

AGENDA

Standards Committee Hearing

Date: **Friday 11 September 2009**

Time: **10.00 am**

Place: **The Council Chamber, Brockington, 35 Hafod Road,
Hereford**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

Heather Donaldson, Democratic Services, Tel: 01432 261829

Tel: 01432 261829

Email: hdonaldson@herefordshire.gov.uk

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Agenda for the Meeting of the Standards Committee

Membership

Chairman	Robert Rogers	Independent Member
	Jake Bharier	Independent Member
	Isabel Fox	Independent Member
	Richard Gething	Parish and Town Council Representative
	John Hardwick	Parish and Town Council Representative
	David Stevens	Independent Member
	John Stone	Local Authority Representative
	Beris Williams	Local Authority Representative

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.

A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.

Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is. A Councillor who has declared a prejudicial interest at a meeting may nevertheless be able to address that meeting, but only in circumstances where an ordinary member of the public would be also allowed to speak. In such circumstances, the Councillor concerned will have the same opportunity to address the meeting and on the same terms. However, a Councillor exercising their ability to speak in these circumstances must leave the meeting immediately after they have spoken.

AGENDA

Pages

1. APOLOGIES FOR ABSENCE

To receive apologies for absence.

2. DECLARATIONS OF INTEREST

To receive any declarations of interest by Members in respect of items on the agenda.

EXCLUSION OF THE PUBLIC AND PRESS

In the opinion of the Proper Officer, the following item will not be, or is likely not to be, open to the public and press at the time it is considered.

RECOMMENDATION: that under section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below

3. HEARING

To consider an investigation in accordance with the Local Government Act 2000, conducted by Mr Kevin O’Keefe, Legal Practice Manager, and to conduct a Standards Committee Hearing.

(This item discloses information which is subject to an obligation of confidentiality)

5 - 114

Your Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO:-

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt information'.
- Inspect agenda and public reports at least three clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. A list of the background papers to a report is given at the end of each report. A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge.
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, its Committees and Sub-Committees and to inspect and copy documents.
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Please Note:

Agenda and individual reports can be made available in large print. Please contact the officer named on the front cover of this agenda **in advance** of the meeting who will be pleased to deal with your request.

The meeting venue is accessible for visitors in wheelchairs.

A public telephone is available in the reception area.

Public Transport Links

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- The service runs every half hour from the 'Hopper' bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus-stop to Brockington is located in Old Eign Hill near to its junction with Hafod Road. The return journey can be made from the same bus stop.

If you have any questions about this agenda, how the Council works or would like more information or wish to exercise your rights to access the information described above, you may do so either by telephoning officer named on the front cover of this agenda or by visiting in person during office hours (8.45 a.m. - 5.00 p.m. Monday - Thursday and 8.45 a.m. - 4.45 p.m. Friday) at the Council Offices, Brockington, 35 Hafod Road, Hereford.

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

FIRE AND EMERGENCY EVACUATION PROCEDURE

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COMPLAINT SC0802

MONITORING OFFICER ADVICE FOR THE MEETING OF THE STANDARDS COMMITTEE ON 11TH SEPTEMBER 2009.

1 INTRODUCTION

1.1 The Standards Committee on the 11th September has been convened in order to hold a hearing in respect of the above complaint. The matter was referred for investigation by the Assessment Sub Committee on 28th July 2008. The Decision Notice identified the following potential breaches:

- lack of respect
- bullying
- intimidating/attempting to intimidate someone involved in an allegation
- disrepute
- failing to declare a personal interest

The final report of the investigation is dated 2 February 2009.

1.2 On 27 March 2009 the Standards Committee decided that the allegation of a failure to declare a prejudicial interest should be referred for hearing. It decided there should be no further action in relation to the other potential breaches.

1.3 The complainant subsequently issued a complaint under the Council's complaints procedure. This complaint was in essence about the quality of the investigation report and the processes of the investigation.

1.4 The investigation under stage 3 of the council's complaints procedure and the local determinations process are separate and the stage 3 complaint cannot be used as an appeal against decisions of the Standards Committee.

1.5 However the stage 3 investigation has revealed some possible shortcomings in the investigation report which may have an impact on the hearing and which has therefore led to the issuing of this advice.

2 Issues to consider

2.1 The matter before the Committee for hearing is solely in respect of whether Councillor Myers failed to declare a prejudicial interest. This appears to be in relation to the development of the Thorney Orchard site. This is a site which was, but is no longer, in the ownership of the complainant. However the investigation report does not make any distinction between this site and the site which continues to be in the complainant's ownership (Orchard House) and simply refers to 'the site'.

- 2.2 Councillor Myers is said to own land directly adjacent to 'the site' (Thorney Orchard in this instance) and is alleged to have intervened on a number of occasions in the course of discussions about the development of the site, seemingly to prevent the development from going forward.
- 2.3 There is no mention in the Assessment Sub Committee's referral for investigation as to whether there was a potential breach of Paragraph 6(a) of the Code of Conduct for Parish and Town Councils. This paragraph says:
- 'You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person an advantage or disadvantage'
- 2.4 If Councillor Myers had a prejudicial, interest in relation to this site, then it is possible that any intervention by him might be in breach of paragraph 6(a). This is not considered in the investigation report.
- 2.5 The Standards Committee on 27th March 2009 agreed that there should be no further action in respect of letters written by Councillor Myers to Laing O'Rourke, Severn Trent Water and Enterprise plc although the investigation report did find that Councillor Myers had written these letters in his capacity as a parish councillor. These letters were in relation to activity on Orchard House, the complainant's land. There was evidence in front of the Committee both from the complainant and from Councillor Myers that this intervention had directly led to the loss of a contract between the complainant and those companies.
- 2.6 It does not appear to be the case that the Assessment Sub Committee was directed to and in any event did not consider whether there was also a potential breach of Paragraph 6(a) in relation to the writing of these letters.. As the report did not distinguish between the two different sites (Thorney Orchard and Orchard House) on the face of it there was a finding that Councillor Myers had a prejudicial interest in relation to both sites. If Councillor Myers had a prejudicial interest in relation to Orchard House and wrote the letters to Laing O'Rourke and others then he may have been in breach of paragraph 6(a).
- 2.7 Furthermore it is not clear from the investigation report whether Councillor Myers was acting with the authority of the Parish Council when he wrote those letters. Councillor Myers' evidence was that he was writing in a personal capacity but the investigation report found that he was writing in his capacity as a parish councillor. If he wrote without authority as a parish councillor then this too could be a breach of paragraph 6(a). None of this is considered in the investigation report.
- 3 Courses of Action open to the Standards Committee**

- 3.1 The Standards Committee will need to decide what to do in the light of the information set out above. In essence, there are two course of action open to it.
- 3.2 Regulation 18(8) of the Standards Committee (England) Regulations 2008 allows the Standards Committee at any stage prior to the conclusion of the hearing to adjourn the hearing and require the Monitoring Officer to seek further information or undertake further investigation on any point specified by it. The Committee may only adjourn once for such purposes.
- 3.3 If the Standards Committee is of the view that the issues identified above are sufficiently serious then it cannot make decisions on them on September 11th as this would be manifestly unfair to Councillor Myers who would have had no time to prepare his case. The Standards Committee would have no alternative but to adjourn for further investigation to take place and a new hearing date would need to be fixed. In adjourning, the Standards Committee would need to specify what issues required further investigation and set out a timetable for this and for the hearing.
- 3.4 The alternative is for the Standards Committee to agree to proceed on the basis of the matter referred for hearing, that is the allegation that Councillor Myers may have breached the Code by his failure to declare a prejudicial interest. In doing so the Standards Committee would need to disregard the information set out above and only consider what is put before it in the rest of the papers.
- 3.5 Although this complaint has already suffered from significant delay, my advice is that the Standards Committee should adjourn the hearing in order to investigate the matters set out in paragraphs 2.1 – 2.7 above. Otherwise the Standards Committee cannot be certain that the case before it is the proper case for it to consider.
- 3.6 An adjournment will require a supplemental report to be prepared by the investigating officer.

STANDARDS BOARD FOR ENGLAND

LOCAL INVESTIGATION

REFERENCE: SC0802

**Report into complaint against Parish Councillor Frank Myers
of Walford Parish Council**

Date of report: 2nd February, 2009

**Report by: Kevin O'Keefe,
Solicitor, Legal Practice Manager**

1.0 Introduction

- 1.1 I have been appointed by the Assistant Chief Executive (Legal and Democratic Services), Mr. Alan McLaughlin, to carry out a local investigation into allegations made against Parish Councillor Frank Myers of Wythall, Walford, Ross on Wye HR9 5SD who is a member of Walford Parish Council.
- 1.2 Herefordshire Council's Monitoring Officer received a complaint on 30th June, 2008. The Monitoring Officer referred the matter to the Council's Standards Committee's Assessment Sub-Committee, which met on 28th July, 2008. The Sub-Committee resolved that the matter should be investigated locally.
- 1.3 I received Councillor Myers signed statement in mid January, 2009 which has enabled me to now conclude this investigation.

2.0 Summary of the Allegation

- 2.1 It is alleged that Councillor Myers' property at Wythall, Walford is very close in proximity to the Thorny Orchard property which is owned and/or controlled by the complainant.
- 2.2 It is further alleged that at a meeting of Walford Parish Council, which took place on 12th March 2008, Councillor Myers participated in the meeting and in particular he chaired the meeting when it discussed the complainants Orchard House property. The complainant owned both Orchard House and Thorny Orchard at the relevant time. The complainant contends that Councillor Myers should have declared an interest, by reason of the close proximity of his own property to that of the complainant.
- 2.3 It is further alleged that Councillor Myers wrote to Messrs Laing O'Rourke in the style of the Vice Chair of Walford Parish Council on 7th April 2008 referring to the complainant's property and the parking of plant and machinery thereat.
- 2.4 It is further contended that Councillor Myers wrote to Severn Trent PLC and Enterprise PLC in misleading terms and arranged for copies of those letters to be distributed to local residents.
- 2.5 Finally it is contended that Councillor Myers has verbally abused the complainant and the complainant's wife.

3.0 Relevant sections of the Code of Conduct

WALFORD PARISH COUNCIL – CODE OF CONDUCT

3 – General Obligations

- (1) You must treat others with respect.
- (2) You must not:
 - (a) do anything which may cause you or the authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person ...

CONFIDENTIAL: CONTAINS EXEMPT INFORMATION

- 8 – (1) You have a personal interest in any business of your authority where either
- (a) it relates or is likely to affect;.....
 - (ix) any land in your authority's area in which you have a beneficial interest

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

4.0 Evidence

- 4.1 In order to investigate the allegation, I have obtained a copy of the agenda and the minutes of the Walford Parish Council meetings of 12th March 2008 and 14th May 2008 (Appendix A).
- 4.2 Either myself or my colleague, Miss Sam Smith (Legal Executive) have met with the complainant, Mr Simeon Cole, Councillor John Jarvis and Parish Councillor Frank Myers whose statements appear as Appendices B, C and D respectively. I have also had sight of the materials provided by the complainant and which were considered by the Assessment Sub-Committee. these appear (along with the report of the Assistant Chief Executive) as Appendix E.

5.0 Findings of Fact

I make the following findings of fact:

- 5.1. Parish Councillor Frank Myers is a member of Walford Parish Council. He was first elected as Parish Councillor on 3rd May 2007. Parish Councillor Myers is the Vice Chair of that Council.
- 5.2. Parish Councillor Frank Myers is bound by the Code of Conduct of Walford Parish Council, including the section reproduced in this report.
- 5.3. Parish Councillor Myers owns the aforementioned property known as Wythall. The said property is within a very short distance of that owned by the complainant and on a plan of the area it appears as being almost neighbouring, separated merely by a roadway.
- 5.4. The topography of the sites is such that they cannot be said to adjoin each other on totally flat land (indeed the land between the properties is said to undulate). Notwithstanding that observation, the properties are nevertheless, as a question of fact 'neighbouring' properties in the sense that they are almost juxtaposed parcels, separated by a road.
- 5.5. On 12th March 2008 Parish Councillor Myers participated in a meeting of Walford Parish Council and in fact chaired a discussion in connection with Thorny Orchard.
- 5.6. Parish Councillor Myers did not declare any interest either personal or prejudicial at the above meeting.

5.7. Parish Councillor Myers wrote to Laing O'Rourke and Severn Trent PLC on 7th April 2008 and 10th April 2008 respectively and also wrote on 7th April to Enterprise PLC. Each of the letters concerned the complainant's property. Each of the letters was signed in his capacity as Vice Chairman of the Parish Council although written on personal stationary. I cannot determine if Councillor Myers circulated these more widely, as is alleged by the complainant.

5.8. Parish Councillor Myers and the complainant agreed that they had discussions during 2008 although there is no accepted or agreed narrative of what was said. The complainant suggests that Parish Councillor Myers was abusive. This is denied by Parish Councillor Myers.

6.0 Discussion

6.1 I find that Parish Councillor Myers' Wythall property is extremely close to that of the complainant. Were it not for the unclassified road that separates the two parcels of land, it would be difficult, in my judgement, to conceive of properties in closer proximity. I consider that a reasonable fair minded member of the public, seized of all the relevant facts, would consider that the proximity of the properties was such as could reasonably be said to prejudice Parish Councillor Myers judgement of the wider public interest in respect of the planning application being considered by Walford Parish Council. Parish Councillor Myers did not declare either a personal or prejudicial interest in the meeting of the Walford Parish Council of 12th March 2008 which considered the planning application in respect of the complainant's property. Instead he actually chaired the relevant part of the meeting which dealt with the planning application relating to the complainant's property. I consider that Parish Councillor Myers should have declared a personal and prejudicial interest. I consider that Parish Councillor Myers should have withdrawn from the meeting for the duration of that item.

6.2 Parish Councillor Myers wrote to several organisations referring to the complainant's property. The Letters were written on personal letterhead. However, Parish Councillor Myers chose to sign the letters in his Parish Council style. In the circumstances, if the letters had contained abuse or were demonstrable of a lack of respect for a third party, there would be a prima facie breach of the Code of Conduct. I have examined the letters in detail. The content of the letters are not abusive nor do they show a lack of respect for the complainant. However, the letters do however demonstrate the firmly held views of Parish Councillor Myers in respect of the Complainants property and issues relating thereto. The views expressed are clear. These views are again indicative that a personal and prejudicial interest should have been declared at the earlier meeting, as Parish Councillor Myers' attitude to the properties of the Complainant could not be regarded as neutral. I cannot find evidence to confirm that copies of these letters have been circulated within the Parish to members of the public.

6.3 I can find no independent evidence to verify what has been said between Parish Councillor Myers and the complainant from time to time. Parish Councillor Myers contends that his conversations with the complainant have been business like and appropriate. The complainant contends that he has been harassed. There is no independent corroborative evidence to support either parties view on these conversations and on the balance of probabilities

I do not find that Parish Councillor Myers has harassed or abused the complainant.

7.0 Finding as to whether there has been a breach of the Code of Conduct

7.1 I find that Parish Councillor Myers did breach the Code of Conduct in the following respect::

- (a) I consider that Parish Councillor Myers has breached the Code of Conduct by failing to declare a clear personal and prejudicial interest in the Walford Parish meeting of 12th March 2008, by reason of his ownership of Wythall, a property within close proximity to the complainants address.
- (b) There is no compelling independent evidence to suggest abuse or a lack of respect by Parish Councillor Myers in relation to his dealings with the complainant. I do not find a breach of the Code of Conduct in respect of that allegation.
- (c) I do not consider that the letters written to Severn Trent Plc or Laing O'Rourke amounted to a breach of the Code of Conduct.



.....
Dated this 2nd day of February 2009

Kevin John O'Keefe
Solicitor
Legal Practice Manager
Deputy Monitoring Officer

Local Authorities (Model Code of Conduct) Order 2007 No.1159

THE MODEL CODE OF CONDUCT
FOR PARISH AND TOWN COUNCILS

Part 1

General provisions

Introduction and interpretation

1.—(1) This Code applies to you as a member of an authority.

(2) You should read this Code together with the general principles prescribed by the Secretary of State (see Annexure to this Code).

(3) It is your responsibility to comply with the provisions of this Code.

(4) In this Code—

“meeting” means any meeting of—

(a) the authority;

(b) any of the authority's committees or sub-committees, joint committees or joint sub-committees;

“member” includes a co-opted member and an appointed member.

(5) References to an authority's monitoring officer and an authority's standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

Scope

2.—(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,

and references to your official capacity are construed accordingly.

(2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.

(3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

(4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

(5) Where you act as a representative of your authority—

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

(b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

- 3.—(1) You must treat others with respect.
- (2) You must not—
 - (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006(a));
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be—
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
4. 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) prevent another person from gaining access to information to which that person is entitled by law.
5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
6. You—
 - (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the resources of your authority—
 - (i) act in accordance with your authority's reasonable requirements; and
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes).
 - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
7. Paragraph 7 does not apply to your authority.

Part 2

Interests

Personal interests

- 8.—(1) You have a personal interest in any business of your authority where either—
- (a) it relates to or is likely to affect—
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - (ii) any body—
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
 - (iii) any employment or business carried on by you;
 - (iv) any person or body who employs or has appointed you;
 - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
 - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - (ix) any land in your authority's area in which you have a beneficial interest;
 - (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
 - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
 - (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of—
 - (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
 - (ii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.
- (2) In sub-paragraph (1)(b), a relevant person is—
- (a) a member of your family or any person with whom you have a close association; or
 - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9.—(1) Subject to sub-paragraphs (2) to (5), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

(3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

(4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

Prejudicial interest generally

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

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

- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
- (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
- (c) relates to the functions of your authority in respect of—
 - (i) this sub-paragraph does not apply to your authority;
 - (ii) this sub-paragraph does not apply to your authority;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

11. Paragraph 11 does not apply to your authority.

Effect of prejudicial interests on participation

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

- (a) you must withdraw from the room or chamber where a meeting considering the business is being held—
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from your authority's standards committee; and

- (b) you must not seek improperly to influence a decision about that business.

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

Part 3

Registration of Members' Interests

Registration of members' interests

13.—(1) Subject to paragraph 14, you must, within 28 days of—

- (a) this Code being adopted by or applied to your authority; or
- (b) your election or appointment to office (where that is later),

register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.

(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

14.—(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.

(3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Annexure - The Ten General Principles

The general principles governing your conduct under the *Relevant Authorities (General Principles) Order 2001* are set out below:

Selflessness

1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity

2. Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

3. Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

5. Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal Judgement

6. Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for Others

7. Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

Duty to Uphold the Law

8. Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship

9. Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership

10. Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

WALFORD PARISH COUNCIL

Dear Councillor

You are summoned to attend the next Annual Parish and Ordinary Parish Council Meetings on **Wednesday 12 MARCH 2008 at 7.30 pm** at **Walford Village Hall**.

J Perry, Clerk.

Annual Parish Meeting

Any elector can raise any matter for discussion .

Ordinary Meeting Agenda 12 March 2008

- Declarations of interest
- Minutes of January meeting to be approved and signed
- Matters Arising
- Finance report for 12 March (Appendix A)
- Correspondence (Appendix B)
- Planning (Appendix C)
- Thorny Orchard Site, Howle Hill
- Public speaking time
- Rights of Way report. M Downey
- Lengthsman report. L Freeman
- Parish Plan Project reports
- Any reports of other meetings e g AONB, HALC
- State of Roads – any new reports of needs
- Any other matters for a future agenda

Next meetings:

Wednesday 14 May 2008 7.30 pm at Walford Village Hall

Annual Meeting of Walford Parish Council followed by Ordinary Meeting

WALFORD PARISH COUNCIL
MINUTES of the MEETING held on 12 MARCH 2008
at WALFORD VILLAGE HALL

Present Cllrs E Drummond (Chairman), SW Cole, M Downey, H Evans, G Jones, F Myers, G Symonds, M Thomas, A Whitlock,

Ward Councillor Jarvis, the Clerk and 12 members of the public.

Apologies Cllrs SM Cole, L Freeman, P Heath, B Vine

Declarations of Interest. Cllrs Jones and Whitlock on Planning Application No. 1176
Cllrs Drummond and SW Cole on Thorny Orchard

Minutes of the January meeting were agreed and signed

Matters Arising

1. Electricity costs for Priory Lea. There would be no further invoices from Npower as energy costs were being paid by Herefordshire Council already. A process had been begun to recover costs for the previous 14 months. Cllr Myers queried the limit of 14 months which he did not think was statutory. Clerk to investigate
2. A site meeting to discuss the siting of Speed Indicator Devices on the 'Walford Straight' (after Walford Timber premises) had been arranged for Wednesday 16 April at 10.00 am. with HC and police representatives. Cllrs Drummond, Cole and Symonds said they would attend
3. The Clerk said that the Chairman and V Chairman had completed the Major Incident Emergency Plan for Walford. She thanked those that had agreed to the use of their resources if needed.
4. The Clerk, Chairman and V Chairman had considered the Data Protection Act. As no data of importance was held on-line by the Clerk (she down-loaded hard copies from emails), it was not felt necessary to ask for a licence.
5. A sign for warning of pedestrians on the road had been erected as requested on the Horn Road at the site of the former railway bridge.
6. No promotional material was yet available for the Herefordshire Walking Festival

FINANCE- see Appendix A

- 1.The Clerk presented the March report. She pointed out that there was an error in the RoW account :£537.07 was held in the Deposit Acct not £792.00 as stated. The error was rectified and initialled by the Chairman.
- 2.The Clerk asked that the following items be included in the Payments Due column:
Costs for May 2007 election to Herefordshire Council: £1255.97
and rent for hire of BV Hall for Cycle Link meeting on 20 March at £7.50. These were agreed.
- 3.The Clerk said that the Bank Reconciliation for the quarter ending on 31 December '07 had been completed satisfactorily. The bank statements had not come through in time for inclusion in the January meeting
4. Walford Parish Council had been awarded £300.00 as a grant from DEFRA via HALC for increased coverage of parish communication with the first issue of the Parish Newsletter now being delivered to every house.
5. Priory Lea power costs: see No.1 in Matters Arising above.
Cllr Downey proposed acceptance of the report, seconded by Cllr G Jones. Carried.

CORRESPONDENCE – see Appendix B

New Correspondence

1. It had been found from an emailed enquiry that the Parish Plan had not been formally adopted by Herefordshire Council.
It was decided that the Clerk should confer with members of the Parish Plan team before any action was taken.
Mr Jarvis said that he would look into the matter of further funding for P Plan projects.

2. The revised map for the 'No Waiting at Any Time' near Walford School, allowing for the new parking area, had been agreed. It was decided to evaluate the result of this before asking for a similar restriction on the other side of the road
3. Speed Indicator Devices: site meeting on Wednesday 16 April with police and HC representatives outside The Mill Race had been arranged. Cllrs Drummond, Cole and Symonds said that they would try to attend.
4. The new Police Community Support Officer was Paul Leighton. The Parish Council had not been notified of his appointment although we had been ticked off the relevant list. He had been given the dates of future meetings and would attend if possible.
5. Local Council Review for circulation
6. Poster to advertise Charity Walk for Kidney Research over nine bridges (c. 7 miles) in London on 6 July. Details with Clerk.

PLANNING – see Appendix C

Further planning items to the Appendix:

1174 5 Priory Lea, Coughton. Conservatory to rear of dwelling: H C CONSENT

1175 Brockwood, Howle Hill. Replacement garage and two-storey extension to replace single storey extension. (WPC – no objections)

The following new application was considered:

1176 SE 008/0526/F Great Howle Farm, Howle Hill. Erection of wind turbine on 15m monopole. WPC comment: It was decided that the Parish Council should be in favour of this application because its 'green' credentials outweighed concerns over the effect on the environment of a tall mast in a prominent position so near an AONB

Thorny Orchard

Vice-Chairman Cllr Myers took the chair at this point.

There was much local concern that the new owner of Thorny Orchard had not obeyed the conditions set on the development of the site that went with the planning consent; that earthwork details were not available on plan; that an unauthorised wall had been built; that many of the conditions had been previously discharged; that the access was considerably enlarged thus foreshortening the lines of sight down-hill to create a new danger; that the site had been enlarged 75m beyond the 11kv overhead line; that preparations for the building were in the wrong position; that RoW WA 50 had been cut back in width and was now closed because of the danger of bank collapse; that the mound of uncompacted soil over the U70416 was very dangerous.

Ward Cllr John Jarvis gave out copies of a strong letter, dated the previous day, from Mr S Holder the planning case officer. He had asked for an accurate survey of the site; a new planning application for the whole site, a design and access statement, a landscape impact study, an ecological study, an assessment of highway implications and report on volume of material to be removed and its destination.

It was decided that another letter be written to Herefordshire Council in order to prevent this situation from being repeated within Herefordshire. The letter would ask about the original reasons for giving consent to an application that was against planning policy; about the inadequately detailed original plans; about original information which led to the discharge of conditions; about the substandard method of supervision on conditions.

It was stressed that the original planning process for Thorny Orchard had been linked to an undertaking to clear the eyesore field at Orchard House. In this context the precise status of any permissions at Orchard House was questioned. In particular, it was the case that the planning file for Thorny Orchard had stated that insufficient evidence had been submitted to make the use of this land lawful and yet there were those who believed that some lawful use had been acknowledged

In any case there were concerns as to how any lawful use could permit the type of activities now taking place there with the eyesore being worse than ever and many other unsatisfactory aspects including commercial and construction vehicles being stored there directly alongside the stream.
It was agreed that Cllrs Thomas and Myers would draft a letter for further comment by councillors and then submission to the Authorities.

Councillor Drummond re-occupied the chair

RIGHTS OF WAY

Cllr Downey reported that the new contractor, Roger Peates, was continuing to clear paths and had proved very able with the chain saw. Any requests for work to be sent to M Downey

LENGTHSMAN

There was no report.

PARISH PLAN PROJECTS

1. Recreation Areas. Cllr Jones said work was on-going to put together details of three possible sites
2. Local Links Cycle Way. Cllr Heath reported that his team had captured some funding from AONB office to the tune of c £4000 and hoping to capture c £2000 from a Community Regeneration Fund. This combined with the grant from the Parish Council will pay for the Feasibility Study that is underway. He is still looking for a fund-raiser. Please make this known to anyone you think could help.

STATE OF ROADS

1. There were reports about an incipient landslip near the new entrance to South View on the Bulls Hill road.
2. Cllr Jones reported the drainage pipes were crushed at Howle Hill Cross and needed immediate attention since storm water was cascading down the hill, undermining soil banks and ending in people's properties.

ANY BUSINESS FOR A FUTURE AGENDA

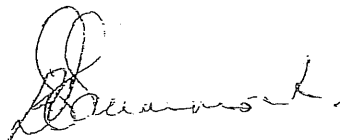
No items were asked for.

DATE OF NEXT MEETING

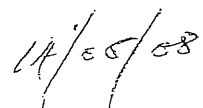
The Chairman announced the date:

Wednesday 14 May at Walford Village Hall at 7.30pm for the Annual Meeting of the Parish Council followed by an ordinary meeting

The meeting closed at 9.25 pm.



Chairman



Date

Appendix A

FINANCE REPORT for WPC meeting 12 March 2008

	Current Account	Deposit Account	Lengthsman Account No. 2
BALANCE	425.69	22,314 (792.00) held in Dep Acc for ROW 537.05	197.61 (Plus £938.04 held in Dep acct)
PAID IN since last meeting		88.02	
PAID OUT since last meeting	375.00 19.75 22.00 10.00 10.00)
PAYMENTS DUE at this meeting	<i>Clerk - expenses</i> BB-connect (Dec/Jan) (VAT 3.50) Tel Total tel. Postage Mileage (66 x 5.58p) 92pVAT * Stationery (2 x C5 envelopes (3 x paper), (VAT 1.24 Total <i>Clerk - salary</i>	22.50 2.50 25.00 4.48 36.82 <u>8.37</u> <u>74.67</u>	

FINANCE REPORT for WPC meeting 12 March 2008

		Current Account	Deposit Account	Lengthsman Account No. 2	
BALANCE	at 04.03.08.07	425.69	22,314 (792.00) held in Dep Acc for RoW 537.05		197.61 (Plus £938.04 held in Dep acct)
PAID IN since last meeting	Bank interest		88.02		
PAID OUT since last meeting	Cycle link feasibility study Npower WVH rent (2mtgs) Village News (sub) Walford Flier (sub)	375.00 19.75 22.00 10.00 10.00)
PAYMENTS DUE at this meeting	<i>Clerk - expenses</i> BB-connect (Dec/Jan) (VAT 3.50) Tel Total tel. Postage Mileage (66 x 5.58p) 92pVAT * Stationery (2 x C5 envelopes/3 x paper), (VAT 1.24) Total <i>Clerk - salary</i> Mar salary } post- Apr salary } dated End March bonus in lieu of pension (3.75% of sal)	22.50 <u>2.50</u> 25.00 4.48 36.82 <u>8.37</u> 298.08 298.08 134.13			

1. After many phone calls and emails we shall now have no invoices to pay for npower at Priory Lea. Apparently this has been paid by H C as well as by us. Am trying to get refunds.
2. *New charge for mileage from Apr 07 but only brought in for March 2008 (very late notification)
3. Precept of two tranches of £5,250 agreed by HC for financial year 2008/9

CORRESPONDENCE for 12 March 2008 meeting from 09.01.08 to 02.03.08

(All letters will be brought to the meeting if you wish to have further details)

HEREFORDSHIRE COUNCIL

1. Proposed future provision of Primary & Secondary Schools in Hfds. Consultation. Later withdrawn
2. Funding Directory and Funding opportunities
3. Hfds Transport Asset Management Plan – comments needed on road conditions
4. PACT (Partners and Communities Together - formerly Local Forum)– next meeting Wed. 6th February Larruperz 7.00pm
5. Hfds Community Development Strategy 'to encourage communities to shape the future of Hfds'
6. Consultation on change to planning application validations
7. Bus/train timetable update from 24 February
8. Review of polling districts and stations (Walford not affected)
9. Revision of Electoral roll for Feb. (Register amended)
10. Revised map of No Parking at Any Time restrictions near W School (now allowing for new parking area)
11. Hfd Art Gallery-exhibition of contemporary prints 15 March –7 May
12. Reply to letter re Thorny Orchard from Mr Yates
13. Community Projects Grant for Parish Plan projects by 22nd Feb. Some funding for 2008 will be available. Applications from community groups or Parish Councils. Up to £2000 or 50% of total cost. Project cannot start before application approved.

HALC (Herefordshire Association of Local Councils)

1. Travellers and Gypsies in Hfds. Information evening Wed 9th April 7.00-9. Brockington. Places can be booked.
2. Strengthening the Role of Local Communities. You will be glad to note that Recommendation 8 says that both central and local govt should support local community plans inc Parish Plans. Full report can be seen at www.ruralcommunities.gov.uk
3. Parish polls should be conducted on parish matters only, not national e.g. Euro Treaty
4. Age Concern poster re welfare benefits – yours by right, not a handout
5. Community Sustainable Energy programme (CSEP)– grants available for community based projects
6. New challenges and Innovations for Local Govt. Seminar Wed 12 March, Pershore 10 am. Rural housing/flooding etc.(I am sending for a copy of the documentation JP)
7. Speaking Out – news magazine for West Midland Regional Assembly. Local Council Review (for circulation)
8. Agenda for SAM meeting 3rd March (Clir B Vine unable to attend)

LOCAL

1. Pre Order Consultation on Diversion of Footpath WA55B(part) at Howle Hill (comment: WPC has received no complaints about the route of the diversion in the last 50 years)
2. Request for clearance of litter from U70432 (Archenfield road to Hom Green (passed on to L Freeman)
3. Polytunnel open meeting Friday March 6, Walford Village Hall 1.30pm to 6.30pm (E Drummond and Son)

MISCELLANEOUS

1. Brochure of Affordable Housing Design in rural areas – Halsall Lloyd Partnership

PLANNING REPORT for March 12 2008 meeting from 09.01.08 to 04.03.08

H C Consents

- 1160** Bramley Cottage, Howle Hill. Stable block (retrospective) Conditis on landscaping and approval of any lighting plan. No other lighting permitted.
- 1161** CATS Leys Hill. Cover over terrace to provide additional space for fitness suite.
- 1164** Paddock Farm, Deep Dean. Change of use of outbldg from jewellery workshop to office
- 1166** 1 The Oxlet, Bishopswood. Renovation and extension of agric.bldg
- 1169** Bruins Nest, Forest Green. Proposed construction of ménage for equine exercise area
- 1170** Hunsdon House, Walford. Garden room extension – revised scheme.
- 1171** Chequers Lodge, Leys Hill. Proposed side extension to bungalow

New Applications

- 1169** Bruins Nest, Forest Green. Proposed construction of ménage for equine exercise area(No lighting)
- 1170** Hunsdon House, Walford. Garden room extension – revised scheme.(No objections)
- 1171** Chequers Lodge, Leys Hill. Proposed side extension to bungalow (No objections)
- 1172** Sycamore House, Kerne Bridge. Conversion/extension of outbldg to form annexe (No Objections but no future extensions and no future separate sale requested)
- 1173** 9 Affordable Houses at Coughton. (Site mtg 40 present: Against site: ref P. Plan and because of dangerous road, overhead powerlines and evidence of flooding)
- 1174** 5 Priory Lea, Coughton. Further conservatory at rear (No objections)
- 1175** Brockwood, Howle Hill. Replacement garage and two storey extension

Withdrawn

- 1162** Glen Kerne, Kerne Bridge. Conversion of bldg to residential use

Appeal Decision

- 1125** 27 Frome Valley Way (adj parish) Proposed 2 storey and single storey extensions. DISMISSED

Planning Enforcement Matters

1. The Clerk had not sent an official complaint form about Thomy Orchard, Howle Hill, but the Enforcement Officer had written to her to say that all work being carried out at the site was within planning consent conditions. This opinion was later altered in another letter to tell us their suggested method of rectifying matters at the site. WPC site meeting held>letter to HC>new pl application to follow
2. Bramley Cottage, H H. Letter from Enf officer: "As you may be aware. The pl app for erection of stable block (retrospective) was approved on 9th Jan. In view of this, the breach of planning control has now been regularised. I am therefore unable to take any further action on this matter."
3. Enquiry sent to planning officer concerned about whether there has ever been a Change of Use request for business use at Bruins Nest, Forest Green and whether lighting is permitted.

WALFORD PARISH COUNCIL

Dear Councillor

You are summoned to attend the next Meeting on **Wednesday 14th May 2008** at **7.30 pm** at **Walford Village Hall**. Annual Meeting followed by Ordinary Parish Council Meeting

J M Perry

ANNUAL MEETING

Agenda

- Election of Chairman
- Declaration of Acceptance of Office
- Apologies *B Vine*
- Election of Vice-Chairman
- Minutes of May 2007 AGM were adopted and signed 11.7.07
- Matters arising
- Election of Officers: Finance group; Lengthsman supervisor; Web-site; RoW supervisor; HALC representative; AONB rep; Police representative.
- Annual Statement of Accounts Y/E March 31 2008 (subject to audit)
- Appointment of Internal Auditor
- Parochial Accounts
- Annual Report April 2007-May 2008

ORDINARY PARISH COUNCIL MEETING

Agenda

- Minutes of March 08 meeting to be approved and signed
- Matters Arising
- Finance report for 14 May (Appendix A) *f 13.50 + LCR subs*
- Correspondence (Appendix B)
- Planning (Appendix C)
- Public speaking time
- Rights of Way report inc Kerne Bridge path
- Lengthsman report of work.
- Parish Plan projects report.
- State of Roads – any new reports
- Any further reports of meetings e g AONB, HALC
- Any other matters for a future agenda

Next scheduled meeting: Wednesday ⁹11th July 2006
at **Walford Village Hall 7.30pm**

Regret unable to source clean copy of May agenda.

This is a copy from my meeting notebook.

J Perry Clerk

**WALFORD PARISH COUNCIL
MINUTES OF THE ANNUAL MEETING 14 MAY 2008
HELD AT WALFORD VILLAGE HALL**

PRESENT Cllrs S M Cole, S W Cole, M Downey, E Drummond, H Evans, P Heath, G Jones, F Myers, G Symonds, M Thomas, A Whitlock
the Clerk, PC Wendy Powell and 16 members of the public.

APOLOGIES: Cllr B Vine

ELECTION OF CHAIRMAN

Mr E Drummond, as Chairman of the previous Council, asked for nominations. Cllr Jones proposed Cllr Drummond, seconded by Cllr Whitlock. Cllr Drummond said he was willing to stand.

He was duly elected

DECLARATION OF ACCEPTANCE OF OFFICE

The Chairman signed the relevant form

POLICE REPORT

The Chairman halted the Annual Meeting to allow PC Wendy Powell to speak as she had a following engagement. She said that in the Ross on Wye Rural Local Policing area she had two Community Support officers, Colin Davies and Paul Leighton. Their brief was to be out in the community as much as possible providing information and feedback. **Their contact details are as follows: Emergency: 999; events needing a rapid police response: 08457 444888; Community Support Officers: 07970 602441, shared between them but phone is switched off when they are on duty; PC W Powell: 01811 131525 – phone again switched off when not on duty but messages can always be left.**

She spoke about theft of fuel where vehicles followed delivery vehicles and stole the fuel. She advised bricking up area under fuel tank to prevent damage to tank and installing an alarm system linked to house. Cllr G Jones would furnish her with details of security systems from Titan Oil Co, Belfast. She also spoke about distraction burglaries by a number of offenders working together, preying especially on the vulnerable as post-code data was now so easily available. **DO NOT let strangers into house without verification.**

Mrs Exton spoke about the need for notices to be posted in supermarkets as well as smaller shops warning of possible thefts of purses/handbags as she had had hers stolen. PC Powell would pass that on and she also warned of care needed in entering pin-numbers. Make certain no-one can watch your fingers. A chain or bell on purse and card was a good idea. She also warned about shredding junk mail addressed to you that contained a bar-code as this contained much information about you. Do not just discard.

The Clerk asked about new Policing Matters meetings 'Have Your Say' (next 26 June Larruperz Centre, Ross 7-9pm). PC Powell would check this. The Chairman thanked her for attending the meeting. The meeting was resumed

ELECTION OF VICE-CHAIRMAN

Those nominated were Cllrs SW Cole and F Myers. A paper ballot was held and Cllr Myers was elected.

MINUTES of the 2007 AGM were already confirmed and signed on 12 July 2007.

There were no matters arising.

ELECTION OF OFFICERS

Finance : It was resolved the Finance Group shall consist of the Chairman, Vice-Chairman, Cllr M Thomas and Cllr H Evans.

HALC Representative: Cllr B Vine, if willing to stand

Lengthsman Supervisor: Cllr L Freeman, if willing to stand

Rights of Way: Cllr M Downey
Walford Village Hall Representative Cllr S W Cole
AONB Cllr P Heath
Police Group representative: Cllr F Myers
Parish Website Mr D Wadge if willing to continue

FINANCE

1.. **Walford Parish Council Statement of Accounts for Y/E March 31 2008** was presented. The statement of accounts was accepted and signed

2. **Internal Auditor.** It was agreed that Mrs Pauline Powell be re-appointed as Internal Auditor

3. **Allianz Insurance** renewal of policy cover. Cheque signed.

4. Parochial Accounts

Jane Clarke Charity

Mrs Freeman sent the following report:

Balance 31.03.07 £ 184.96

Balance 31.03.08 £ 204.88

No withdrawals made

Robert Holme Storey Charity

Balance 31.03.07 £ 1256.06

Balance 31.03.08 £ 1273.57

No withdrawals made

Walford Relief-in-Need Charity

Mrs V Morgan had sent the following report:

The Trustees (Mr E Drummond, Miss B Vine and Mrs V Morgan) had not met during the year and there have been no outgoings. The credit balance of the COIF account on 05.04.07 was £2474.02 and interest on the Lloyd's Bank Account on 5.04.07 was £112.52.

The Charity's assets therefore stood at £2,586.54

The Chairman, a Trustee of the Charity, asked for new suggestions for spending the monies. Meals on Wheels donation was suggested.

Walford School Governor

There had been a negative response to the previous year's request that a local representative be elected to the Board of Governors to give some link between the school and the community. Cllr Myers asked that a letter be sent again this year repeating the request. This was agreed. Cllr Cole, a member of the Board, asked that a copy be sent to Mrs J Thomas.

WALFORD PARISH COUNCIL ANNUAL REPORT FOR 2007/8

The report of business carried out by the Parish Council during the year, previously circulated, was accepted.

The Chairman then closed the Annual Meeting

Date

9/07/08

30

Chairman

E Drummond

Annual Report of Walford Parish Council 2007-2008 for the Annual Meeting 14 May 2008

The Parish Council

In May 2007 Eric Drummond was elected as Chairman with Frank Myers as Vice-Chairman. The other people elected as councillors were: Sandra Cole, Simeon Cole, Michael Downey, Heather Evans, Luke Freeman, Philip Heath, George Jones, Geoffrey Symonds, Marc Thomas, Bridget Vine, Alan Whitlock. There was a record number of candidates – 25. John Jarvis was re-elected as our Kerne Bridge Ward Councillor.

Council Meetings

During the year six regular bi-monthly meetings of the Council were held. Cllr Jarvis tried to attend and report to as many meetings as possible, although his new responsibilities as an HC Cabinet Member sometimes prevented his coming. An extension of the May meeting was held two days later to allow for full discussion of the proposed feasibility study for the Walford Cycle Links Path. Cllr Heath gave a presentation with maps and pictures. It was proposed by Cllr Downey, seconded by Cllr Thomas, that £5000 from the £8000 Parish Plan Project fund should be ring-fenced to underwrite the feasibility study. This was agreed. Another extra meeting was held in August to hear views from the public on the proposal from CATS, Leys Hill, to build 4 timber lodges in their grounds. Public opinion was definitely against the proposal. However, the Council voted in favour. The planning application was later refused at County level. An extra meeting was held to hear Mr Peter Yates from HC Forward Planning Dept. talk about planning procedures. The average attendance of councillors at meetings was 10 (9 in previous year). All meetings had opportunities for members of the public to speak. There were two planning site meetings held during the year – one at Thorny Orchard, Howle Hill and one at Coughton to discuss a possible site for affordable housing.

The Finance Committee met in October to consider the budget and the precept needed for the following financial year. Cllrs Heath and Vine attended AONB sessions, the Clerk attended 3 Local Partners and Communities Together (PACT) Meetings and Cllr Heath chaired regular meetings of the committee formed to progress the Walford Cycle Link. Cllr Jones formed a committee for finding a site for a recreation area. Cllr H Evans attended a day-course on the possibility of having a Red Cross Village Warden within the parish. No further information has resulted from our positive response to this scheme. Clerk to follow this up.

Summary of Parish Council Business conducted during the year

(A) National and County Business

1. A new clause was added to the Financial Regulations: "Councillors are not debarred from tendering for council contracts but must declare their interests"
2. It was decided not to hold our own supply of sandbags against flooding, since a water-tight container would prove expensive and any resident could just as easily access the local supply at the HC depôt at the Ashburton Industrial Estate or ask for a private supply to be delivered if disabled or without transport.
3. A display of possible plans for affordable housing in Coughton was made in September by Herefordshire Council

(B) Parish Council Internal Business

1. *Minor Road Maintenance Scheme (Lengthsman)*

The scheme was managed by Cllr Luke Freeman. Mr Gerald Green of Hope Mansell carries out any work. Regular maintenance was carried out on bus shelters, road signs, footways, gutters and gullies on the B4234.

2. Other Highway Matters

Both Bulls Hill and Bishopswood Church Hill received a fair amount of re-surfacing work during the year by Hereford Council and the troublesome narrowing of the lower part of Bulls Hill was reversed. It is hoped that the surface of Howle Hill will be dealt with in the coming year. In addition to Hereford Council's periodic road assessments, new matters for their attention were regularly reported to them by the Parish Council. New signs were erected by request from electors for 'pedestrians on road' warning at the site of the former railway bridge on C1274 near Walford Church and for dog-fouling prevention notices on the verges at Arbour Hill.

3. Parish Paths Partnership Maintenance Scheme

The scheme was managed by Cllr Michael Downey. Mr Chris Hawkins/Mr Roger Peates oversaw the maintenance of footpaths and repaired/erected gates. The full grant was spent during the year on the 45 km of paths in the parish. The new active more legible rights of way parish map was put onto the web-site and is available, with notes on each path, to footpath officers and workers and to councillors and electors with access to a computer.

4. Parish Plan Projects from the parish plan for (a) speed restriction signs outside the school and on the 'Walford straight' between Walford Timber Ltd and The Old Bakery are still being pursued; (b) the re-surfacing of the path from Bishopswood Village Hall to Kerne Bridge so that it can be used in all weathers is to be undertaken in May '08 in order to improve safety for both visitors and residents on the B4234. A donation towards the cost of this has been offered by MF Freeman Ltd and was accepted with many thanks; (c) the feasibility study for a linked cycle way from Kerne Bridge to Walford will take place in May/June this year and (d) the search for a suitable site for a recreation area is being pursued by a committee of residents and councillors.

5. Parish Communications

Mr David Wadge continued to run the official parish web-site, www.walford-pc.org.uk, posting up news as it became available together with the minutes of meetings and reports on planning applications. Brief records of Parish Council affairs was sent to The Village News (Kerne Bridge parishes) and the Walford Flier (local parish) and actual notices were posted on the eight parish notice-boards.

A new venture, at the suggestion of Cllr F Myers MBE, was the Parish Newsletter in March 2008. This was delivered to each dwelling in the parish. It has attracted much favourable comment. A grant towards the cost of the first issue was obtained from 'Parish Talk', a fund set up by Hfd Council, Hfd Assoc. of Local Councils and Govt of West Midlands.

A grant was also awarded to WPC from Community Pride (Ross & environs) for the purchase of a set of display stand for each of the village halls for exhibitions, quizzes etc. They have already been well-used.

6. Herefordshire Calor Village of the Year. Bishopswood won this coveted award with a very well-presented case. The Committee received many congratulations for all its hard work.

7. Planning Applications

During the year the Parish Council returned observations to Hereford Council on 44 separate planning applications for development, a decrease of 12 on the previous year.

J M Perry, Clerk. May 2008

NB Ref. (A)2 HC Depôt Ashburton Industrial Estate,
Ross (for sandbags) Tel. No: 01989 762460

WALFORD PARISH COUNCIL
MINUTES of the MEETING held on 14 MAY 2008
at WALFORD VILLAGE HALL

Present Cllrs E Drummond (Chairman), SM Cole, SW Cole, M Downey, H Evans, P Heath, G Jones, F Myers, G Symonds, M Thomas,

A Whitlock, the Clerk, PC W Powell, and 16 members of the public.

Apologies Cllr B Vine, Ward Councillor Jarvis

Declarations of Interest SM Cole and SW Cole in the matter of Thomy Orchard and Orchard House that arose during the meeting.

Minutes of the March meeting were agreed and signed.

Matters Arising

1. Npower There was about £70 credit owing to WPC. There was a refusal to back-date refund beyond 14 months. A statement had been requested in April but had not yet been received. Clerk to chase and also ask about the matter of interest.
2. Thomy Orchard. A report had been received that HC were in dialogue with the applicant about whether a new planning application were necessary. Mr C Bull HC CEO had not yet replied to Cllr Myers' February letter. It was requested by Cllr Jones and seconded by Cllr Thomas that the matter be reported to the Ombudsman. Majority agreement. SM Cole and SW Cole abstained. It was asked that it be recorded that the WA50, within one week of a WPC meeting, had had its posts moved inwards onto new ground and the land sloped down, to look better, before the proposed visit of the Ward Councillor. It was asked that copies of the letter sent by WPC to the Chief Executive be sent to the Leader of the Council and the M.P. It was proposed by Cllr Heath, seconded by Cllr Thomas that an open letter be sent to the press. Carried. Copies of all letters to be sent to each Councillor.
3. Speed Indicator Device meeting had taken place and the sites for the posts chosen. It had been asked that a period of longer than 5 days be allowed for each 'active' siting period. (NB Clerk had read in a HALC document that this had been extended to one month). A booking had been made for road speed surveys at both sites.

FINANCE see Appendix A

The Clerk presented the report for May. She asked that a cheque (£13.50) be also signed for the renewal of the subscription to LCR. Agreed. There had been a payment of £5,600 into WPC bank account from HC that day. It had been traced to the payment of invoice sent to AONB for grant towards the Feasibility Study for Walford Cycle Links. The report was accepted. The Clerk raised the matter of a new computer and printer to be bought by the Council for the clerk's use. This would be passed on to the next clerk complete with all records. The current equipment being used was now more than 11 years old and running out of disk space. A new hard drive added to it would cost c. £500 for purchase and installation. When the current clerk retired she would not need a computer. An estimate of costs was c £2000 for new equipment. It was asked that actual figures be presented to the Finance Committee for their consideration and recommendation to council.

CORRESPONDENCE See Appendix B

HC 10. There was a weekly afternoon club for 'gentle exercise' at Walford Village Hall.

Local 1. The Chairman said that he had erected three anti-dog-fouling signs at Arbour Hill. He would send 3 further notices to the clerk.

Cllr Evans asked about a WPC dog-fouling sign at Kiln Green. The clerk said she had supplied Mrs Gregory with an old spare sign as she was finding it difficult to access the road from her cottage because of fouling.

There was interest in the FoD Forum 21st May about wild boar, deer and squirrels

10

Further Correspondence:

Reply from Mr C Bull, HC CEO, to WPC letter of 30 April about HC planning procedures to say that he had passed the letter on to the Director of Regeneration with the request that he responds direct to WPC.

PLANNING See Appendix C

New application :

1182 Mistletoe Cottage, Forest Green was considered. The application for enclosure of a balcony already consented to met no objections

PUBLIC SPEAKING TIME

1. Mrs Walshaw – potholes on Bulls Hill by Holcome Lodge
2. Cllr Evans - pothole above Westfield House on Bulls Hill
3. Mrs Exton – incipient landslip on Bulls Hill opposite South View entrance
4. Mrs Merrick said that, further to the matter of a closer link with Walford School, that when her husband was WPC Chairman, they received an annual summer invitation to a very moving pupil-leaving ceremony.
5. Mrs Wilce asked about the land at Forest Green by the bus shelter that used to be a popular playground and picnic site in her childhood. The clerk to find out the owner from the Land Registry and/or try to claim it as common land.
6. Mrs Merrick – thanks for clearing land-humps and rubbish from Village Hall land that had prevented a clear view to pedestrians down the road. Cllr Cole had levelled the land and Cllr Drummond would see that it was seeded. They were thanked.
7. Mr Daniels said that HC had a strict policy for the time limit for replying to letters and phone calls .He also mentioned that there was a store of hardcore in a local barn that he had bought with outstanding monies from the RoW budget one year. Cllr Downey was pleased to hear this. He also mentioned that David Wadge supplied computers.
8. H C Cllr P Edwards said that 15 days was the Council's maximum response time. He advised consulting Alan McLaughlin, Head of Democratic Services, before contacting the Ombudsman.

RIGHTS OF WAY REPORT

Cllr Downey said that fallen trees had been cleared from paths in Chase Wood and WA 104 was being cut along the river. He was open to other reports for work needed. Cllr Symonds said that WA 28 was difficult and narrow near Bramble Cottage. Cllr Downey said that rabbit proof fence had been installed at the site but he thought the path was wide enough for passage. Cllr Drummond asked about the policy for stiles. These were not to be renewed. Gates were provided to landowners on request for them to erect. WA50 had been physically moved (had been reported to RoW dept) but was now open again.

Cllr Jones said that footway from Walford Pound to Old Vicarage was too narrow for prams and toddlers etc. Vegetation should be cut back to widen it.

LENGTHSMAN

No report received.

PARISH PLAN PROJECTS

1. Cllr Heath reported that the Feasibility Study for cycle/walking path would be completed by end of June. He hoped that the new path might be constructed by 2010.
2. Recreation Ground. Cllr Heath/Cllr Jones. A meeting had been held on the previous Monday with Mr Ashcroft of HC planning at the back of the Mill Race which was now the preferred site. The matter of planning gain with housing devt. was outside the UDP but the new LDF which was taking over from the UDP might be more flexible. Consultative

process would take place in June/July which WPC could help shape. Business plan was needed which would involve a questionnaire. Car park could be near the church.

STATE OF ROADS

1. Cllr Whitlock said there was a visibility problem from Coughton Place looking south. Ivy on wall was the problem. Cllr Cole said that he could repeat a cutting process which he had done in previous years.
2. Cllr Heath asked whether Mr and Mrs Brooks-Kibble who had complained over the lack of a footpath from Bish PO to Bish V Hall could be persuaded to re-start the process for rebuilding of the path destroyed during the carving out the site for Coughton Place as the excess soil was spread over the existing path.

OTHER REPORTS

1. Cllr Heath reported that Hereford Hospital Trust had reported a surplus over the year. The hutted wards would not now be destroyed as they could provide the extra beds needed. Car park charges are to be continued. The result of the closure of Abergavenny A & E department has not yet been assessed.
3. It was asked that Alex Perry be formally thanked for his work in the absence of the clerk.
4. It was asked that the Clerk be thanked for her year's work
5. The Chairman asked whether the new lay-out of tables had improved the hearing range. No definite answer. He commended the way Cllr Myers had chaired the meeting about polytunnels the previous week. He recommended that all councillors should re-read the Code of Conduct booklet 2007 where matters had been made much clearer, particularly declarations of interest.

ITEMS FOR A FUTURE AGENDA

Monthly meetings. Planning procedures. Changes to The Parish Plan

DATE OF NEXT MEETING

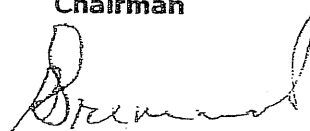
Wednesday 9 July 7.30 pm at Walford Village Hall

The meeting closed at 9.45pm

Date

9/07/08

Chairman



FINANCE REPORT for WPC meeting 14 May 2008

		Current Account	Deposit Account	Lengthsman Account No. 2	
BALANCE	at 04.03.08.07	200.01	26,397.21		410.65
PAID IN since last meeting	Precept 1 st tranche RoW grant LM grant (all from HC)		5250.00 1200.00 719.02		
PAID OUT since last meeting	WVH rent (2mtgs)	26.00			
PAYMENTS DUE at this meeting	Allianz Insurance Cycle link study (Land Access Ltd) HALC subscrip M Freeman Ltd (BVH path to KB)	601.79 1205.00 291.25 881.25.			
	<i>Clerk - expenses</i> BB connect (Feb/Mar) (VAT 3.50) Tel Total tel. Postage Mileage Stationery (box DL envelopes VAT 1.52)) Total	23.50 <u>.15</u> <u>23.65</u> 1.40 Nil <u>10.21</u> <u>35.26</u>			
	<i>Clerk - salary</i> May salary } post- Jun salary } dated	298.08 298.08			

1. Cornhill Allianz Insurance Ltd is now known as Allianz Insurance plc
2. Our external auditor is no longer UHY but Mazars LLP of Southampton

CORRESPONDENCE for 14 May 2008 meeting from 12.03.08 to 04.05.08

(All letters will be brought to the meeting if you wish to have further details)

HEREFORDSHIRE COUNCIL

1. Revision of Electoral roll for March. (Register amended)
2. Funding grant information
3. Youth Opportunity and Capital Fund to increase activities for young people. Names needed for youth panel to manage the fund. Please let clerk know if you know anyone willing and eligible (bet 13 and 19) to put their name forward.
4. £2000 grant to be won for any conservation project that enhances and protects our beautiful county or its flora/fauna.
5. Posters for charities- Hereford Samaritans (01432 269000) and Breast Cancer Haven (01432 361050)
6. **Funding Advice Session – Ross Library Thurs 9th June 9.30 am to 1pm**
7. Does WPC need any sandbags? (stock not kept within the parish since the Ross depot (01989 762460) is convenient)
8. Letter from Area Warden Chris Gardiner, Parish Paths Partnership to thank RoW officer M Downey and his workers
9. Opportunity for community buildings to get 100% funding for "renewable energy projects" eg wind turbine, solar energy.
(Climate change officer B Boswell: www.communitysustainable.org.uk; carbon calculator: www.myherefordshire.com)
10. Adult Social Care- Day Opportunities. Are there existing clubs catering for these needs within the parish?

HALC (Herefordshire Association of Local Councils)

1. Cross border event sponsored by GOWM at Knighton Community Hall Monday 9th June between 9.30am and 3 pm to exchange good practice ideas and delivery service in border areas. Free to incl lunch but places need booking.
2. **Affordable Housing Seminar at The Marches Housing Assoc premises in Leominster, Thursday 5th June, 10am to 3pm to include lunch. Free to incl lunch but places need to be booked by 30 May.**
3. 'Speaking Out' magazine for West Midlands Regional Assembly
4. West Midland Rural Affairs Forum – annual report Apr 07 to March 08.
5. **Parish Initiative: new scheme and form for reporting highway faults to Streetscene before the scheduled inspection(dates given) is due. If you have complaints, please ascertain the grid reference of complaint on your parish map before contacting clerk**
6. **Are there any known leaflets describing routes for walk, cycling etc within the parish? Contact clerk.**

LOCAL

1. Letter from Mrs Allen and Mrs Price of Arbour Hill thanking WPC for their efforts to obtain anti-dog-fouling signs on the grass verges. They apologise for their absence from this meeting as they will both be away.
2. Phone call from Mrs Birke to say thank you for the new pedestrian warning sign at site of railway bridge C1274
3. Letter about need for footway from Bish. PO to BVH and Kerne Bridge; also mentioned break-up of new tarmac surface on Bish. Church Hill
4. Speed Indicator Devices. Following meeting of Cllrs and reps from HC on 24 April, we are awaiting speed surveys.
(Report by Cllr Evans)

MISCELLANEOUS

1. AONB Wye Valley – issues of 'Picturesque' for councillors
2. End of 'Discovering Lost Ways' Project, Local Access Forum, Herefordshire Pathfinder Project. System found to be unworkable.
3. **F o Dean Forum. Spring meeting 21st May Beechenhurst 6.30 for 7pm. Issues assoc with deer, wild boar, grey squirrels.**
4. Npower – apparently our elec. account is £70 in credit. Statement was requested by A Perry 18 April. No reply yet.

H C Consents

HC Refusals

1176 SE2008/0526/F Great Howle Farm, Howle Hill. Proposed erection of wind turbine on a 15m monopole..

Reason: The height and position of the proposal would lead to a proliferation of structures in this rural location so as to have a detrimental effect on the landscape character of the area. Proposal conflicts with policies LA2, DR1 and CF4 of Hfd UDP

New Applications

1176 Great Howle Farm, Howle Hill. Erection of wind-turbine on 14m monopole. (Plans seen at March meeting – no objections)

1177 This number was omitted from the planning record book in error

1178 Glen Kerne, Kerne Bridge. Reapplication for conversion of redundant building to residential use (with addition of business register records to prove it had been advertised for bus. use and ecological report). No objections

1179 Homme Farm, Hom Green. Construction of irrigation lakes and assoc.conservations ponds. To be considered

1180 Homme Farm, Hom Green. To continue to erect, take down and re-erect polytunnels rotated around fields

1181 25 Coughton Place, Coughton. Domestic oil tank to front of property. No objections

1182 Mistletoe Cottage, Forest Green. Extension of 1st floor bedroom (already approved) Enclosure of balcony

Withdrawn

1173 Nine Affordable Houses at Coughton between The Lawns and Willerby on C1275 before Howle Hill RH turn

Appeal

1152 Cobrey House, Howle Hill. Against refusal of Victorian-style conservatory.

Planning Enforcement Matters

1. Enquiry sent to planning officer about whether there has ever been a Change of Use request for business use at Bruins Nest, Forest Green and whether lighting is permitted. Further enquiry sent including newspaper cutting advertising public use.

Answer: no breach of planning consent (no conditions placed on original consent)

2. Suff Lodge, The Dam. Reported change of use of garage to possible residential use. Enforcement officer to send letter.

WITNESS STATEMENT OF MR SIMEON COLE

I Simeon Cole of Orchard House, Coughton, Ross on Wye HR9 5SF will say as follows:

1. I was elected as a Parish Councillor for Walford Parish Council in May 2007.
2. In May 2007 I also stood for election as a County Councillor. It was around this time that problems began to occur. Further to my original complaint, I would say as follows:
3. There was an incident concerning Councillor Jarvis and the destruction of one of my election campaign signs, the Standards Committee has now dealt with this matter.
4. On the day of the Elections, 3rd May 2007, I was approached by Councillor Myers, Mr MacIntyre and Sir Colin Shepherd (the Chairman of the local Conservative Party). They were unhappy with the content of a leaflet that I had produced outlining the level of attendance of Councillor Jarvis at Council meetings. They took exception to this leaflet and a discussion regarding the content ensued. It was during this discussion that Councillor Myers informed me that he hoped I had deep pockets and Mr McIntyre stated that 'you don't realise what you have got yourself into'. At the end of this discussion I asked Sir Colin Shepherd if what I had written in the leaflet was true and he agreed with me that it was although he didn't agree with me producing the leaflet.
5. At the Election Count, Mr Pringle initially stated to me that I had won the Kerne Bridge Seat, however another bag of votes was then found. I subsequently lost the election to councillor Jarvis by a margin of 22 votes.
6. A few days after the Election, Councillor Myers arrived at my doorstep. He asked about the leaflet and we discussed the matter. Councillor Myers stated that the matter would be taken to court and that he was calling on me in the role of a mediator between myself and Councillor Jarvis.
7. Councillor Myers called at my property on several occasions. He stated that legal advisors in London had been instructed on a no win no fee basis and that compensation in the region of £80k - £100k was being sought. Councillor Myers stated that it would cost me everything and that once it started it would be like a rollercoaster that you will never stop.

8. These calls at my property became a regular occurrence, and were upsetting for my wife. Notes were put through my door, messages left on the answering machine and threats were made to shut down my business.
9. Councillor Myers stated that they wanted me to send an apology letter retracting the statement made in the leaflet to all voters in the Kerne Bridge Ward through a mailing house. I asked that if I agreed to do what they asked would a letter in the local paper be sufficient. Councillor Myers stated that he would ask Councillor Jarvis, but he didn't think that it would be acceptable.
10. I asked that Councillor Jarvis write me a letter detailing what I was accused of and what he wanted done about it. A letter signed by Councillor Jarvis was subsequently received but his signature was not witnessed. Councillor Myers then signed the letter to witness that the signature was that of Councillor Jarvis.
11. I was given a time limit to comply with what Councillor Jarvis wanted. Each time the deadline was reached Councillor Jarvis extended it. I then took legal advice and was advised to ride the matter out.
12. I subsequently sold the Thorny Orchard site in order to raise the money to meet the potential cost of any legal action.
13. When they realised that they were not getting anywhere, Councillor Myers and Councillor Jarvis turned their attention to my business.
14. I sold the Thorny Orchard site to a Mr Chownes. When Mr Chownes took over the site, diggers moved onto the site to start the development.
15. Planning permission for the development at the Thorny Orchard site was granted several years ago. No issues were raised concerning this planning permission until after I ran for County Councillor in 2007. Councillor Myers was living opposite the Thorny Orchard site when planning permission was granted and raised no concerns at that time. In fact we had a good relationship prior to the election in 2007 and I had many dealings with Councillor Myers and members of his family including Mr McIntyre. This came to an end when I stood against Councillor Jarvis in May 2007 in the election.
16. A Parish Council site meeting was arranged at the Thorny Orchard site. Although a message was left on my phone late on the previous evening by the Parish Clerk, I

was not aware of this meeting until 11.00am that morning when I was informed by the site owner. I consider it to have been an illegal meeting as three days notice was not given. I am aware that a lot of photographs were taken at this meeting by Mr McIntyre (Councillor Myers brother in law) even though some Councillors present objected.

17. At this meeting Councillor Myers discussed taking an injunction out to stop the works on site.
18. Development of the site continued. I am aware that Council's Planning Officer (Mr Holder) and Enforcement Officer (Ms L Hughes) were involved with reference to a wall that was being erected. I understand that the wall had planning permission, was built in the right place but was not the right shaped.
19. I understand that Mr Holder indicated to Mr Chownes that the minor alterations to the wall could be approved under delegated powers and asked for the plan of the wall with gates to be submitted. Ms Hughes has also stated that the wall was OK. The matter was subsequently taken out of their hands.
20. A copy letter, from the Herefordshire Council, was delivered by hand by Councillor Jarvis and distributed to all Councillors at the Parish Council meeting five days before it was sent to Mr Chownes, the developer of the Thorny Orchard site. I believe that Mr Holder had pressure put on him from above to write the letter which aimed to cease all activity on the site.
21. A complaint had been made about the site stating that
 - the entrance to the site was in the wrong place (however this is incorrect as there was only permission to expand the existing entrance);
 - that a hole was in the wrong place (this is incorrect); at the east of the site there was not planning permission for development (this is correct, but there is permission for storage of site materials); and
 - that there was soil on the road (this was nothing to do with the development - this was caused by badgers moving the soil and heavy rain).
22. I understand that this complaint was made by Councillor Myers as a Parish Councillor, but in his own time and on his own headed notepaper.
23. I would also like to point out that at all Parish Council meetings concerning the Thorny Orchard site I declare an interest and leave the room.

24. Councillor Myers was the Vice Chairman of the Parish Council, (he is now the Chairman) he declares no such interest, despite the fact that his property is only a road width away from the Thorny Orchard site (approx 5 metres).
25. Councillor Jarvis has also joined in at these meetings. I believe that he should have remained impartial; given the closeness of Councillor Jarvis and Councillor Myers I believe that Councillor Jarvis should not have been involved.
26. I am aware that a secret meeting of Parish Councillors took place and the Parish Council subsequently wrote a letter to Herefordshire Council concerning the lack of communication about the Thorny Orchard site. At a Parish Council meeting mention was made concerning this lack of communication, and it was proposed to involve the Ombudsman. I understand that Councillor Edwards was in attendance at this meeting as a member of the public.
27. Again, I understand that Councillor Jarvis became involved in the matter and things began to happen.
28. I understand that Councillor Jarvis, Councillor Myers and Councillor Drummond (the then Chairman of Parish Council) met with Mr Ashcroft of Herefordshire Council, removing the Parish Council's request to involve the Ombudsman. I believe that it was agreed with Mr Ashcroft to get the new owner of the Thorny Orchard site to re-apply for planning permission for the wall. Only two Parish Councillors and the Clerk were at this meeting, this was a private meeting made to appear as a Parish Council meeting.
29. Mr Ashcroft asked that the Parish Council draw up a list of conditions to be complied with before the new application was received – I believe that this would give Councillor Myers the power to nit-pick.
30. The site owner became aware of this situation and his solicitor sent letters to Councillor Myers, Councillor Jarvis and Mr Ashcroft.
31. Upon receipt of the solicitor's letter, Mr Ashcroft cancelled a future meeting with the Parish Council and had no further involvement with the matter.
32. I understand that Mr G Hughes, Herefordshire Council's Director for Regeneration is now involved.

33. I understand that a meeting at the Thorny Orchard site involving Councillor Jarvis and Mr Hughes took place 10 minutes before a recent Parish Council Meeting. Following a discussion regarding the issues concerning the Thorny Orchard site Mr Hughes and Councillor Jarvis left the Parish Council meeting.
34. It was at this Parish Council meeting that Councillor Jarvis stated that he was under investigation. I am also aware that he mentioned this Standards Committee investigation at a Waste Management meeting in Worcester at which Councillor Edwards was present.
35. It was my intention to develop the Thorny Orchard site and move my business there. Having sold the site due to the threat of legal action, I am now forced to continue to run my business from the Orchard House site.
36. The company Laing O'Rourke were looking for a site to use as a base. I rented part of the Orchard House site to them for £500 per month. The company brought the site up to a good standard and also provided me with work. Laing O'Rourke carried out regular site inspections.
37. Ms L Hughes, Enforcement Officer for Herefordshire Council arrived on site following receipt of complaints concerning the storage of equipment on the site. There is an area on the Orchard House site for the storage of contracting equipment. I was granted permission for this from Herefordshire Council. I was also visited on several other occasions by various agencies including Ms Hughes following anonymous complaints. All of which proved to be unfounded.
38. Ms Hughes also noted that there was a digger on the side of the drive and referred to photos showing soil on the side of the roadway in the field. I confirmed that this was manure and that I was using the digger to spread it.
39. Councillor Myers wrote to the companies concerned with the site and prompted neighbours to do the same.
40. Mr Preece (of Four Seasons) sent copies of Councillor Myers' letters with a covering letter to the neighbours asking them to take action against me. The neighbours brought the letters to me.
41. The Site Manager for Laing O'Rourke told me that the company would have to move from the site. This move was prompted by the letter received from Councillor Myers. This incident has cost me the regular rent I received from Laing O'Rourke

and the work that they gave me. Laing O'Rourke has now blacklisted my site even though they are desperate for a site within the locality.

42. Since making my original complaint further events have taken place. I have briefly detailed these in Exhibit SC1.

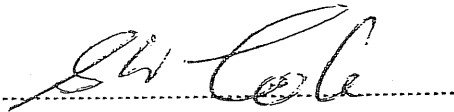
43. The stress and worry that both Councillor Jarvis and Councillor Myers has caused has had a detrimental effect on the health of both myself and my wife and we are both on medication.

44. This is an overview of my submission and should be read in conjunction with all the documents I have submitted so that the full implications of what has occurred can be understood.

Statement of Truth.

I believe that the facts stated in this witness statement are true.

Signed.....



Simeon Cole

Date.....

7/01/09.

Additional Information regarding Cllr John Jarvis & Cllr Frank Myers.

Thursday June 26th 2008.

H.M. Revenue and Customs officers arrived at about 4.30pm. When asked who had sent them they stated that they had received an anonymous tip off regarding misuse of Red Diesel on the highway. At the time the vehicle in question was parked in my field and had been for four days.

No action is to be taken but Cllr John Jarvis has stated to a fellow county councillor that I (Simeon Cole) need to be very careful as I am under investigation regarding illegal use of fuel.

This complaint was made anonymously, I have not discussed it with anyone apart from my solicitor, NFU England and the Farmers Union of Wales yet Cllr John Jarvis knows all about it leading me to conclude that he may have been the anonymous informant or he knows who was.

Incidentally no action is to be taken against me. Please see appendix 1.

24th July 2008

Received letter from Cllr Frank Myers, which has been sent to all Walford Parish Councillors, trying to justify the letters that he wrote as previously submitted. See appendix 2.

25th July 2008

I received a phone call from Tim Barber from the Trading Standards in Hereford informing me that he had come out to inspect our sheep following an anonymous tip off to Defra. Tim Barber inspected the sheep and noted that we had one dead one, to which I replied that the landowner Mrs Reed had notified me twenty minutes earlier and that on my return I would remove it and deal with it in the correct manner and then he said that everything was ok. He did ask why some of the sheep had not been shorn, and we informed him that they were Welsh sheep and that they couldn't be shorn until the end of August beginning of September because their type of fleece took longer to rise to enable it to be removed. Tim Barber was happy with this explanation and said it was fine.

When I got home at about 4.30pm I saw Cllr Frank Myers and Jamie MacIntyre (Frank Myers brother in law) watching the sheep.

At that point I rang Tim Barber and said that I couldn't understand why the person that reported me didn't leave their name with DEFRA to which Tim Barber replied that there was something odd about it because people usually want to know the outcome of their complaint when it deals with animals and so they leave their name and contact details. I offered for him to inspect the sheep again if he so wished to which he replied that if I wanted him to he would. Tim Barber is willing to speak to you to confirm this if you so wish.

Cllr Frank Myers and Jamie MacIntyre were seen to return to the field again later that evening to look at the sheep.

13th August 2008

Cllr John Jarvis brought Geoff Hughes to the Walford Parish council meeting. Prior to the meeting Cllr John Jarvis and Geoff Hughes were seen at the Thorney Orchard site by Cllrs Jones and Whitlock.

In this meeting Cllr Jarvis stated that he had been reported for taking an **extraordinary interest in the Thorney Orchard site**, this being the case why did he visit the site just before the start of this meeting. See appendix 3

Friday 15th August 2008

At around 7.30pm in the evening my wife Sandra was in the garden planting flowers by the roadside when she heard a car pull up down the road by the entrance to our field. When she eventually got up the car drove past her very slowly, it was Frank Myers. He stared at her as he drove past and he had been in the entrance to our field for quite a while. Being on her own at home it quite unnerved her after everything that has happened. Ten minutes later he drove back down the road again.

19th August 2008

Received a letter stating that my complaint was going to be looked and that everything is to be kept quiet and confidential. Yet Cllr Jarvis had let it be known on 13th August that he was under investigation at the parish council meeting. He also let it be known that both he and Cllr Frank Myers were under investigation at a meeting in Worcester and to a fellow councillor in Herefordshire Council stating 'did I realise Frank Myers was chairman of South Herefordshire Conservatives'.

23rd August 2008

Jamie MacIntyre (Frank Myers brother in law) drove slowly down the road stopped at both our entrances then when he realised that I was at home drove off very quickly.

26th August 2008

I was travelling towards Hereford and I passed Jamie MacIntyre at Harewood End within 10 – 15 minutes he was parked in the lay-by near my house watching my children in the field knowing I wasn't home.

19th September 2008

Cllr John Jarvis approached Mr Peter Barley in the Tudorville Community Hall, took him to one side and spent considerable time trying to persuade him that the vandalising of my election sign in May 2007 was all a big misunderstanding and that no harm was done. At the end of the meeting Mr Peter Barley approached me to inform me of this discussion and said that he couldn't understand why Cllr John Jarvis brought the subject up after all this time and why he was trying to convince me that it was all a big misunderstanding.

22nd September 2008

I saw Henry the site manager from Laing O'Rourke's who informed me that they were looking for sites in the area to use whilst they were carrying out works in the locality for the next 18 months. I told him that he was more than welcome to use my site to which he replied 'I've told the firm that you have an excellent site for us but

they said that due to the letters that had been sent by Cllr Frank Myers you are now blacklisted.'

This is having a serious impact on my income.

I have enclosed a letter appendix 4 from Colin Gray – Chairman of the Herefordshire Badger Group regarding the Badger activity near the Thorney Orchard site because in the recent heavy rain there was a landslip onto the highway for which Cllr Frank Myers tried to blame myself and the activity at the Thorney Orchard site. Such landslips are a common occurrence in this area due to the badger activity and we have always worked together to alleviate the impact on the highway when they happen.

In all the years I have lived at Orchard House apart from the routine inspections I have never been bothered by anyone. It is only since I stood in the elections in May 2007 that this continual harassment has occurred. We just want to be left alone to continue our daily lives. We cannot cope much more with continually looking over our shoulders and waiting for the next inspector to come along to investigate another anonymous tip off and I hope you will take this further information into account when reaching your decision.

Regards

Simeon Cole

Road Fuel Testing Unit
Two Broadway,
Broad Street,
Birmingham. B15 1BG

Mr Simeon Wood Cole
Orchard Hosue
Coughton
Ross-on-Wye
HR9 5SF

Tel 0121 697 4022

Fax 0121 697 4280

www.hmrc.gov.uk

Date 16/07/2008
Our Ref D64/08
Your Ref

Dear Mr Cole,

John Deere Tractor – GE02UCR

On the 26th June 2008 the above agricultural tractor was found running on red diesel after being involved in a non 'excepted' vehicle activity.

Paragraph 2 of Schedule 1 of the Hydrocarbon Oils Duties Act (HODA) 1979 defines an agricultural tractor.

- (1) A vehicle is an excepted vehicle if it is-
- (a) an agricultural tractor.
- (2) In sub-paragraph (1) above "agricultural tractor" means a tractor used on public roads solely for purposes relating to agriculture, horticulture, forestry or activities falling within sub-paragraph (3) below.
- (3) The activities falling within this sub-paragraph are-
- (a) cutting verges bordering public roads;
 - (b) cutting hedges or trees bordering public roads or bordering verges which border public roads.

The activity of hauling a digger to construct a new agricultural building does not fall within this category. When used on the road for any other purpose a tractor is classed as a road vehicle. It is an offence to use red diesel in a road vehicle carrying penalties under Section 13 of HODA 79.

However, the facts of the case have been carefully considered and it has been decided that no further action will be taken against you on this occasion. I have also enclosed a copy of the Memorandum of Agreement.



J.M.Perry

From: Frank Myers [Frank.Myers@mcp.co.uk]
Sent: 23 July 2008 19:41
To: J.M.Perry; Philip Heath; Michael Downey; Marc Thomas; Luke Freeman; Heather Evans; Eric Drummond;
Bridget Vine
Subject: WPC Meeting 9th July and Thorny Orchard

Colleagues

I have been acquainted with some of the comments and discussion at the last Parish Council meeting relating to the meeting that Eric and I had with Andrew Ashcroft, and which was attended by John Jarvis. It is very clear that the situation has been, at best, misunderstood or, at worst, completely misrepresented and I have also received a letter Solicitors acting for the developer at Thorny Orchard making extraordinary allegations which are completely unfounded. I have therefore set out below the truth of the matter for your information.

Regards

Frank

PS Jackie

I should be grateful if you would ensure that those Councillors who are not covered by this email receive this note by normal means of communication.

Note to Councillors following the Parish Council meeting on 9th July and reports of the discussion about Thorny Orchard

You will all recall that I, as a private citizen, wrote to HC expressing my concern about many matters relating to the way in which I felt that the development at Thorny Orchard was proceeding. I set out those concerns in a document 'Planning Conditions...assessment of compliance both pre commencement and post commencement'. This document was tabled at WPC meeting on 12th March 2008 and, for the avoidance of doubt, I read it out in full to the meeting.

This section of the meeting was minuted as follows...

Thorny Orchard

Vice-Chairman Cllr Myers took the chair at this point.

There was much local concern that the new owner of Thorny Orchard had not obeyed the conditions set on the development of the site that went with the planning consent; that earthwork details were not available on plan; that an unauthorised wall had been built; that many of the conditions had been previously discharged; that the access was considerably enlarged thus foreshortening the lines of sight down-hill to create a new danger; that the site had been enlarged 75m beyond the 11kv overhead line; that preparations for the building were in the wrong position; that RoW WA 50 had been cut back in width and was now closed because of the danger of bank collapse; that the mound of uncompacted soil over the U70416 was very dangerous.

Ward Cllr John Jarvis gave out copies of a strong letter, dated the previous day, from Mr S to the planning case officer. He had asked for an accurate survey of the site; a new planning application for the whole site, a design and access statement, a landscape impact study, an ecological study, an assessment of highway implications and report on volume of material to be removed and its destination.

It was decided that another letter be written to Herefordshire Council in order to prevent this situation from being repeated within Herefordshire. The letter would ask about the original reasons for giving consent to an application that was against planning policy; about the inadequately detailed original plans; about original information which led to the discharge of conditions; about the substandard method of supervision on conditions.

It was also asked to request an investigation into the current state of the Orchard House fire (its legal position and fuel storage near the brook) and why the CLEUD's (Certificate for Law

WALFORD PARISH COUNCIL
MINUTES of the MEETING held on 13 AUGUST 2008
at WALFORD VILLAGE HALL

Present Cllrs E Drummond (Chairman), SM Cole, SW Cole, M Downey, H Evans, L Freeman, G Jones, G Symonds, B Vine, A Whitlock, the Clerk, Ward Councillor Jarvis, Mr J Hughes, Director of Regeneration/Planning Hfd and 16 members of the public.

Apologies Cllrs P Heath, F Myers, M Thomas

Declarations of Interest Cllrs SM Cole and SW Cole declared an interest in Planning application 1193 (Thomy Orchard) and withdrew for the discussion

Minutes of the July meeting were agreed and signed.

Matters Arising

1. Red Cross Warden Scheme. May be sufficient funding (Tesco's Charity of the Year) to permit assessment in this parish for a Warden.
2. New notice board for Leys Hill Loop Walk to be sited by agreement with BVH Chairman to be near path entrance in HC car park near the hall. Current board may be used at Walford VH's entrance gate. (Dec/Jan)
3. Howle Hill Cross drain – work completed
4. Herefordshire Core Strategy meeting held at The Homme on 19 July and questionnaire completed and returned.
5. Speed Indicator Device (SID's). Speed checks carried out at both suggested sites. Walford Timber straight showed excessive speeds but not church to Old Vicarage. We will be informed when everything is active.

Mr G Hughes, Director of Regeneration/Planning at Hfd Council

Mr Hughes has been in this position for only a few weeks. He said that Hfd Council receives thousands of contacts re planning during the week. Often a simple telephone call will remedy the blockage. The procedure is to reply within 5 working days but this has not been adhered to. The Complaints track is > Officer concerned > Director > Chief Executive > Ombudsman. He is instigating a staff training programme to include courtesy, timing and relevance of reply. As the Chief Executive (Mr C Bull) is also CE of Hfd Primary Care Trust, a deputy will be appointed to look after customer care. E.Drummond question: Improve and review? J H: There will be an electronic logging and tracking system in the near future. G Jones question: Cllr F Myers had sent 3 letters to CE in 6 mths and not received a reply. J H: he apologised and said he would review the personal assistants' 'filing' system. He hoped the system of reply to members of the public would improve quickly.

Ward Councillor J Jarvis – Report

1. A new system of waste collection comes into force in autumn 2009: a weekly system of black bag collection from kerbside; two-weekly system of re-cyclables in wheelie-bins (no separation of categories except no cloth). 'Difficult access houses' to be contacted. Blue Box system would include business waste and extend to all county; monthly collection of cloth & ink cartridges.
2. Affordable housing conference 25 September at Left Bank HC/HALC.
3. He was aware that he had been criticised for showing too much interest in Thomy Orchard site. He was compiling a questionnaire for parishes to ascertain what they wanted from him.
4. H Evans asked if there were a limit on no. of bags? No. From 2010 there is EU fine of £150 per ton of rubbish to be passed on in council tax. Had to improve from 32% recycled to 50% by 2014. Querying extending opening times for Ross rubbish centre
5. G Jones asked about cutting of Blue Box scheme at Howle Green. Whole scheme being looked at. Also asked about affordable housing behind church: site not considered in current UDP (devt. only within Coughton boundary). Changes may be brought in LDF(2012)

The Chairman thanked both speakers

FINANCE see Appendix A

1. The Clerk presented the report for August. Cllr Evans was concerned that Finance procedures had not been followed in the purchasing of parish computer equipment. The Chairman apologised for any mistakes.
2. Cycle Links Invoice – £515 was still owed to Mr Furness. Cllr Heath would sort out the grant problem on his return.
3. Cllr Jones asked that the rent for meetings of the Recreation Group be met by WPC. Agreed. Cllr Jones proposed acceptance of the report, 2nd by Cllr Symonds. Carried.

CORRESPONDENCE See Appendix B

HC 3. Scrutiny Review of Planning Services: questions to councillors answered for questionnaire.

Further Correspondence:

1. Letter from Peter Dewhurst, leader of the Parish Plan Group, pointing out that changes could not be brought in without public consultation. Explanation: that investigation was being undertaken and when complete, public would be consulted.
2. Neighbourhood Watch Bulletin now put on web-site by courtesy of Mrs V Morgan and Cllr Vine.
3. HC Scrutiny Review on Safety and Drugs – nobody with special knowledge was present to attend conference.
4. Speed recordings for Speed Indicator Devices on B4234
5. HALC/HC seminar on affordable housing 25th Sept. Cllr SW Cole wished to attend and the Code of Conduct session.

7 - 9 Am

Herefordshire Badger Group
C/O
54 Purl and
Ross on Wye
Herefordshire
HR 9 5QA

19.7.08

RE. Thorney Orchard

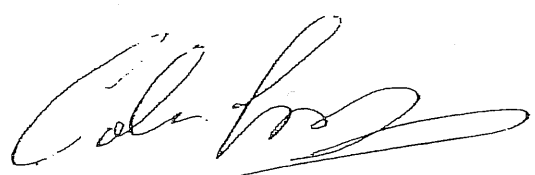
To whom it may concern

Badgers digging in roadside bank have been a problem for at least 15 years and have
Been getting worse over this time. Two years ago there was a discussion about
Relocating them to an artificial sett with an Inspector from Natural England.

The Badger Group were told that a licence would not be sanctioned for this, at the
Same time the land owner Mr Cole was given a licence to work on a new fence and
Hedgerow on that same bank. In my opinion the reason for the recent land slip is a
Combination of loose soil from badger digging and heavy and prolonged spells of
rain.

The recent works taking place at Thorney Orchard has not in my opinion contributed
to the problems.

Yours Sincerely



Colin Gray (Chairman Herefordshire Badger Group.)

COMPLAINT TO STANDARDS COMMITTEE

**WITNESS STATEMENT OF COUNCILLOR JOHN GILCHRIST
JARVIS**

I John Gilchrist Jarvis of Portland House, Whitchurch, Ross-on-Wye, Herefordshire, HR9 6BDB will say as follows: -

1. I was elected as a Member for Herefordshire Council for the Kerne Bridge Ward at a by-election following the death of the late Councillor Mrs Ruth Lincoln in 2005. I held the ward following the district elections in 2007. I have since been appointed as Cabinet Member for the Environment and Strategic Housing.
2. I have been in public service for most of my life. I was a Police Officer from 1964 – 1972, serving on 19 Murder and serious crime enquiries. While living in Essex, I served as Ward Councillor on the Braintree Council and eventually became Deputy Leader and Leader of the Group. I was a Member of that Council for 4 years.
3. I am aware of the Code of Conduct for Members of Herefordshire Council.
4. In dealing with the complaint made against me by the complainant I believe it would be useful to begin with the events that took place around the time of the district elections in 2007. As a result of a complaint made against me at that time to the police, I was interviewed by the police in connection with an allegation that I had somehow damaged an election placard by one of the then candidates, Mr Simeon Cole (the Complainant in this current complaint). I denied any involvement during the interview process and after a

detailed investigation the police took no action. This spurious complaint made against me caused great inconvenience and stress.

5. On polling day, in May 2007, it is alleged that I verbally harassed the complainant regarding the content of some of his election leaflets. In fact, the only dialogue I recall I had with Mr Cole that day was that I spoke with him outside the Walford polling office. I was merely passing the time of day and at no stage did I verbally harass Mr Cole.
6. It is probably as well that I now address the issue of election materials circulated by Mr Cole as part of his campaign for the Council election in 2007. There will be amongst the Committee's papers a copy of a document, roughly the size of a banker's cheque in which Mr Cole suggests that I attended 60%** of the required meetings in less than one year but took 100% of my Councillors Allowance. (** This may not be the exact figure)
7. It is true that at the time this document was brought to my attention I found it to be wholly unacceptable, misleading and factually incorrect. A supporter of mine contacted Mrs MacIntyre, my campaign manager, to ask what sort of person was I and what was going on?
8. I discussed my concerns with my campaign manager, Mrs MacIntyre. Mrs MacIntyre is the partner of Mr Frank Myers. It may be that she mentioned my predicament to Mr Myers, but I certainly did not ask him to approach Mr Cole in the manner outlined by Mr Cole in his complaint. I spoke briefly to Mr. Myers and as a result of that conversation he spoke to lawyers I believe a Solicitor at Eversheds Solicitors and contemplated the possibility of taking proceedings for defamation, but I quickly dismissed the idea as being not economically viable.
9. I have no idea why Mr Cole sought to sell Thorny Orchard to meet the supposed costs of defending himself in legal proceedings which were never realistically considered, let alone commenced.
10. Following the election, I did seek a retraction from Mr Cole of the allegations which he made in his election pamphlet. I did so under cover of a letter dated 13th June 2007, which will be within the Committee's papers. I again wrote to Mr Cole after he had contacted Mr Myers to extend the deadline suggested in my earlier letter. It will be noted that I made these

approaches directly, and not through any presumed intermediary. The letters I wrote were open, clear, concise and lawful and simply sought that the record should be put straight with regard to the misleading content of the election pamphlets. I believe my reputation is of great importance and any attempt to impugn it should be defended.

11. I now turn to the suggestion made by Mr Cole that I have been paying some unhealthy interest into his Thorny Orchard property. I utterly refute this suggestion.
12. Mr Cole's property is within my ward. There has been a history of planning contravention, resulting in enforcement action in respect of the property. These planning contraventions had taken place long before I became the local Member and continued during my tenure. Much of the work of any local Member is often associated with complaints from constituents relating to planning issues. It is therefore a matter of no surprise that the history of Mr Cole's property and the planning issues surrounding it should properly come to my attention in my capacity as Ward Member. Furthermore, as I am the Cabinet Member for the Environment and Strategic Housing, the planning function of Herefordshire Council also falls within my portfolio.
13. The Planning Committees within Herefordshire are divided into 3 sections, one committee serving the Southern part of the county; one committee serving the Central area and one committee serving the North. It is fair to say that the more prominent enforcement issues are likely to be brought to my attention in my capacity as Cabinet Member from each of those sectors of the county. The issue therefore of Mr Cole's Thorny Orchard property came to my attention both in my capacity as Cabinet Member and also in my capacity as local Ward Member as the issues surrounding his property were something of a 'hot potato' in planning terms. I have therefore paid more attention to this site than other sites in the area for entirely justifiable reasons arising from the content of my mail bag and the concerns of constituents.
14. I have never asked or encouraged anyone to go along to Mr Cole's property in the gratuitous and wanton way which he suggests. I certainly do not have the extraordinary or abnormal interest in his daily life that he imagines. On the contrary, he attends Parish meetings and other meetings where I am speaking and takes notes at those meetings.

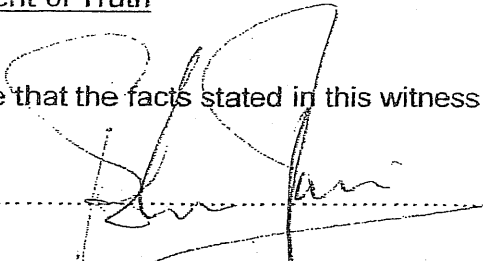
15. It is also quite improper for Mr Cole to suggest that I have pressured any officer of the Council in any way relating to Mr Cole, Mr Cole's property or any planning issues surrounding his occupation of that site.

16. In conclusion, I believe that the way in which I have acted towards this matter has been entirely appropriate and wholly consistent with the Code of Conduct.

Statement of Truth

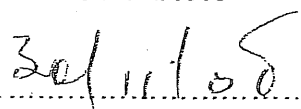
I believe that the facts stated in this witness statement are true.

Signed



JOHN GILCHRIST JARVIS

Dated



COMPLAINT TO STANDARDS COMMITTEE

**WITNESS STATEMENT OF
COUNCILLOR FRANK MYERS MBE**

I, Frank Myers of Wythall, Walford, Ross on Wye HR9 5SD will say as follows: -

1. I was elected as a Parish Councillor for Walford Parish Council on 3rd May 2007. This is my first term of office and to date I have received no training with regard to my duties as a Parish Councillor. It should be noted that at the first meeting of the Council, on 16th May 2007, the complainant proposed me as Vice Chairman and I was elected. This fact takes on some importance in connection with the John Jarvis libel matter, since I saw Simeon Cole on election day (3rd May) and warned him then that I considered he had made serious and potentially libellous allegations against Cllr Jarvis. He clearly could not have had too much concern about my 'pedigree' at the stage of proposing me less than two weeks later.
2. I have worked in business and have much experience dealing with important meetings and matters of business, national, regional and local affairs.
3. In dealing with the complaint made against me by the complainant I believe it would be helpful to address the four summarised points of the complaint as set out in the Standards Committee's Decision Notice.

The complainant alleges that Councillor Myers had a prejudicial interest in the planning application of the Thorny Orchard site since he resides in the property immediately adjacent to it.

4. I do not consider that I have a prejudicial interest in this matter.
5. On a map my property Wythall and the Thorny Orchard site appear to be adjacent to each other. However there is a ridge that separates the two sites.
6. The only relevant planning application concerning this site that existed at the time of the complaint was one dating from March 2004. I was not a Parish Councillor in March 2004 and cannot have had a prejudicial interest at the time of the application.
7. I am aware that there has been huge local interest in *this planning application*, however I took no part in any representations made at the time, nor have I since.
8. There has been a lot of local discussion about the development resulting from the 2004 planning application and local residents have made countless complaints. I feel that I have stood up to deal with the situation where others have not.

9. At no time during the planning process has Herefordshire Council contacted me to say that I have had / I have a prejudicial interest in this site. Even if they had, I repeat, I was not a Councillor at the time of the application

10. I am aware that a more recent planning application for the Thorny Orchard site has now been submitted. Herefordshire Council's Planning Department have written to me concerning this application. The Planning Department has confirmed that I have not been consulted about this particular application because of the location of my property but because I have expressed an interest. I therefore consider that others judge that I do not have a prejudicial interest in this or any other planning application at the Thorny Orchard site. The following text is taken from an email from Andrew Ashcroft, on 23rd September 2008, who responded to my enquiries about how the Council decide who may have an interest.

The email also reveals the Council's understanding that I had raised issues of enforcement/compliance not matters relating to the planning application.

"I have now studied the file

It shows that you were notified about the current application. I am advised that this took place due to the comments that you had raised in the period leading up to the submission of the application and as the Council investigated the relationship of the works on the site to those approved in 2004. It is normal practice (and hopefully good customer care) to advise individuals who have raised enforcement/compliance issues that a retrospective application has been submitted.

I am advised that had it not been for your correspondence with the Council on this matter you would not have received notification of the application on the basis of the position of your house. As I mentioned in my earlier e mail the Council would have relied on the display of a site notice (in this case displayed on 11 August 2008).

I hope this clarifies the matter for you

With regards,

Andrew Ashcroft"

11. When the Thorny Orchard site and issues surrounding the planning conditions were discussed at a Walford Parish Council meeting the matter of conflicts of interest were considered to such an extent that the Chairman decided that he could not deal with the issue and withdrew for the item, together with the Complainant. The Chairman and the other Councillors present had full knowledge of where I lived and were happy for me to chair the meeting for this item. Within a few months of the events complained of, I have been elected, unopposed, to the position of Chairman of Walford Parish Council. The complainant and his wife were present as Councillors and offered no objection. I make these points because I am particularly mindful of the guidance in the code of conduct that 'a prejudicial interest is one in which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest'. In my judgment the Councillors represent a good cross section of members of the public, as do those who come to the meetings, and at no time has anybody indicated a perception of prejudicial interest

I recall that a group of Parish Councillors went to look at the Thorny Orchard site, this followed an informal discussion about the same. There was a lot of "hot air" concerning the site and so members of the Parish Council decided to go and have a look. This was an informal get together, offering the opportunity for issues and opinions to be clarified which is why the Complainant was aware and involved and invited into this discussion. Despite his manifest interest, he did not declare an interest as he and everybody else knew that it was not a formal meeting where such a declaration was necessary. For the Complainant to now allege (para 2a) that this was a formal meeting is, in my view, mischievous and an abuse of the complaints process.

13 With reference to the Walford Parish Council Meeting held on 12 March 2008, I prepared a paper in advance of the meeting and in order to avoid any future conjecture about what was said, I read it out verbatim. The following is a quote from the paper under the heading Conclusion... "We need sound planning policies and robust fairness in their implementation if we are to preserve the principles which are behind the Parish Plan and the concept of AONB. The foregoing flags up that there are substantial reasons to be concerned that we are not being given the professional service which we are entitled to expect from our Council and its Officers. We should not seek to overturn the Planning permission which was granted against the advice of the officers but surely we can expect that in such circumstances the conditions designed to carefully contain it, would be rigorously applied."

14

To put matters concerning the planning application into context – the issue considered by the Parish Council was not the planning application itself, Herefordshire Council had granted this in 2004 on the grounds that several conditions were met / complied with. The issue is with Herefordshire Council, in that they have granted planning permission and then failed to enforce the conditions which were thought necessary. These are the issues that I was seeking to address and, as illustrated above, the paper which is a matter of public record makes this clear.

In order to deal with discrepancies in some aspects of compliance with the conditions, since permission was first granted, the Herefordshire Council invited another planning application.

The Complainant alleges that Councillor Myers used his own-headed notepaper to write to various third parties, and did so in his capacity as Vice Chair of the Parish Council.

- 15 I confirm that I have, as the evidence submitted by the Complainant shows, written letters on my headed notepaper to Laing O'Rourke and Severn Trent and in fact (not mentioned by the Complainant) Welsh Water.
- 16 I do not think that writing such letters through the Parish Council or using my position as Parish Councillor would have been appropriate.
- 17 I therefore exercised my right as a citizen, writing to these companies in my personal capacity. I genuinely believe that Laing O'Rourke and Severn Trent were not complying with their corporate statements placed on their websites and so I wrote to them about it.
- 18 I believe that, as I was Vice Chair of Walford Parish Council it was appropriate to say so in correspondence. I wrote the letters in my capacity as a private citizen, hence using my

own headed notepaper. However I believed it was appropriate to inform the companies that I was the Vice Chair of the Parish Council.

- 19 I believe that the fact that I was writing as a private citizen would have been obvious to the chairmen of the companies and this is borne out by their replies, copies of which are attached and which make no reference at all to Walford Parish Council.
- 20 Had I written in my official capacity of Vice Chair of Walford Parish Council I would have involved the Parish Clerk and used Parish Council notepaper and followed the appropriate procedure for writing on behalf of the Parish Council, which would of course have included seeking appropriate agreement from the Councillors as a body.
- 21 The chairmen of the companies acted on what was said in my letters to them and the problems referred to were then stopped immediately. Effectively, as can be seen from the correspondence, I brought to their attention, my own view and that of many local residents that they were not complying with their own policies, nor were they acting within the planning constraints of the site concerned. Their actions indicate that they agreed with us. The Complainants statement that he lost money also indicates that the contract which existed between him and Laing O'Rourke was affected by the validity of the right to carry out such activity on this site. If they had only left in order to please the neighbours, then they would have still been liable for agreed payments.

The Complainant alleges that Councillor Myers encouraged two parishioners to distribute false information regarding activities at Orchard House.

- 22 I strongly refute this suggestion. At no time did I encourage anyone to distribute false information regarding activities at Orchard House. This is borne out by the letter from Mr and Mrs Preece, dated 10th April 2008, at Appendix 7. This invites people to write in their own words about their concerns about Orchard House. Indeed it would seem that the complainant introduces the concept of false by way of his statement at paragraph 8 of the narrative accompanying his complaint number SC0802. Here he seems to rely on the fact that there is in being a Certificate of Lawfulness, which is itself included with the supporting documents. This certificate permits 'the use of land to store agricultural contractor's plant and machinery'. The view which I expressed is clear in the letters which have been produced. It is clear from the responses that the people responsible for the works agreed with the opinions put forward and ceased operations as quickly as they could. It was my view then and it still is that the letting of the land, for reward, to Laing O'Rourke, for the storage of construction plant and equipment and the provision of refuelling facilities contravenes many regulations and does not accord with the Certificate of Lawfulness. I would also suggest that Mr Cole's submission that he suffered financially because Laing O'Rourke saw fit to move their business elsewhere illustrates that he was carrying on a trade at his premises in a manner which I would expect requires permission which he did not have.
- 23 I have received complaints from a number of people. Two such people are Mr and Mrs Preece of Coughton Lane. I discussed the matter with Mr and Mrs Preece and told them what I had been doing in my private capacity ie researching company websites and sending letters to the companies referred to above.

The following text is copied from my email folder and is what I sent to Mr and Mrs Preece, together with their response

"Communications received. Will take a closer look in the morning when I am more wide awake! I will also get as much support as I can from the neighbours, but this may take a day or two as I will probably be away all day on Wednesday.

Jean (Doug is in bed)

Subject:

Date: Mon, 7 Apr 2008 19:49:29 +0100

From: Frank.Myers@mcp.co.uk

To: jeanpreecefourseasons@msn.com

Dear Jean and Doug

These are the letters I mentioned earlier. You may consider sending something similar and getting others to do so.

Please acknowledge that you have received them. I have prepared them at another location and had some fun trying to attach them!!

Regards

Frank"

- 24 I subsequently became aware that Mr and Mrs Preece wrote to people in the Lane enclosing copies of my letters to the companies referred to above. As can be seen, I did not encourage the specific copying but I did not object to it.

The Complainant alleges that Councillor Myers acted inappropriately by verbally harassing both the Complainant and his wife, giving an indication that he intended on closing their business down at Orchard House and also preventing the development of the Thorny Orchard Site

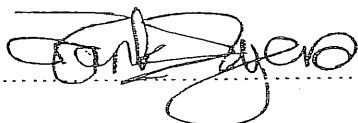
- 25 I consider this allegation to be a complete fabrication and would point out that in the *very detailed* list of dates put forward in the supporting documents, there is not a single mention of any occasion when I have allegedly even spoken to the Coles.
- 26 The Complainant and his wife are both Parish Councillors and I have spoken to them both in that capacity.
- 27 The Complainant is a contractor and has on occasion carried out work on the estate where I live. In that capacity I have on occasion greeted both him and his wife, when she has picked him up, in general terms such as "hello".
- 28 I do recall speaking to the Complainant in respect of the potentially libellous comments made about Councillor Jarvis. I recall stating that such action could be a dangerous thing and could be expensive.
- 29 Outside these situations I have had no other conversation with the Complainant and his wife. I have never spoken to them about their business.

- 30 In conclusion I would state that I believe that I have done what I am here to do as a Parish Councillor – which on occasion means dealing with unpleasant people.
- 31 I consider that I have the drive and ambition to put a stop to what is considered to be wrong by the neighbourhood.
- 32 I am aware that other Councillors and others have felt intimidated by the Complainant.
- 33 In my opinion this complaint is both malicious and fabricated. I consider that the Standards Committee is in danger of being abused. There are a number of other things which disturb me about the honesty and integrity of the Complainant's comments and I have commented on these below, in order to keep them separate from this statement lest you simply feel they are not appropriate and wish to ignore them.
- 34 I consider that the way that I have acted in this matter has been entirely appropriate.

Statement of Truth

I believe that the facts stated in this witness statement are true.

Signed



FRANK MYERS

Date

10th January 2009.

General comments.

The Complaint Document

2d The complainant alleges that false information was used but produces no evidence.

2h This is a very serious allegation and no evidence has been produced.

Supporting evidence regarding the intimidation activities...

Association closely linked with John Jarvis...It is well known that I am immediate past chairman of the West Midlands Region of the Conservative Party and John Jarvis is a Conservative Councillor. In March 2008 I was elected as Chairman of the Hereford and South Hereford Constituency of the Conservative Party and John Jarvis is still a Conservative Councillor. Our relationship is only this.

20th May 2007. It is simply untrue to say that I told him a firm of solicitors had been appointed. I have never had a sum of money in my own head let alone mentioned one to him. I did tell him that I and John Jarvis held the view that what had been written about John Jarvis was libellous and the consequences could be serious. I advised him that I considered a retraction to be a simple and logical way to defuse the matter. He indicated on several occasions his preparedness to do this. Appendix 8 illustrates this with the expression "I understand... that you have indicated that you may be prepared to accept..."

17th June 2007. Mr Cole refers to seeking legal advice on the matter, illustrating his experience and judgement and then two paragraphs later tells us that 'such was the threat of legal action and intimidation...that I had no option but to sell a parcel of land'. We are being asked to believe the truth of this statement when the action was allegedly taken by him when there had been no correspondence, no contact from solicitors and only dialogue with me. It should also be noted that the remedy, being suggested to him in the letter Appendix 8, would have cost only a few hundred pounds. Presumably Mr Cole could be asked to prove that the chronology of the sale process matches the stated timetable since his own diary dates suggest that he was able to achieve the sale of a piece of land, wrapped in controversy, within a period of just a few months. (The dialogue about libel started on 20th May, it must have been obvious by the end of July, a month after John Jarvis's extended deadline) that John Jarvis had decided to take no action. A Land Registry search reveals the following...

Title absolute

1 (19.12.2007) PROPRIETOR: RIBBON PROPERTIES LIMITED (Co. Regn. No. 4601929) care of 120 Baker Street, London W1U 6TU.

2 (19.12.2007) The price stated to have been paid on 9 October 2007 was £180,000.

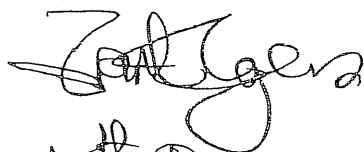
3 (19.12.2007) RESTRICTION: No disposition of the registered estate by the proprietor of the registered estate or by the proprietor of any registered charge is to be registered without a written consent signed by the proprietor for the time being of the Charge dated 26 November 2007 in favour of Lloyds TSB Bank PLC referred to in the Charges Register.

Does this mean that in fact it was not sold until December 2007? If it does, then it would appear that Mr Cole's assertion that he was forced to sell in order to meet the action cannot be true. Even if he had begun the process of selling in June/July, he then had five or six months to change his mind.

Certificate of Lawful Use or Development

This certificate, dated 10th April 2006 makes reference to the fact that 'the use commenced more than 10 years ago and has continued without interruption during the intervening period.' I believe that such a statement is based upon an affidavit sworn by Mr Cole. Google Earth has aerial photographs which can be dated to 2002 and which show that the land in question was not in use in 2002.

I repeat my concerns that these matters illustrate that Mr Cole has been less than honest in his submission.


10th January 2009.



DFW CYMRYN
SŴDRE NEWYDION

Heol Penbryn
Nelson
Morgannwg Ganol
Treharns CF46 6LY

Heol Penbryn
Nelson
Morgannwg Ganol
Treharns CF46 6LY

Tel: (0)1443 452300
Ffôn Ffôn: (0)1443 452323
www.dfwcymru.com

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Ffôn Ffôn: (0)1443 452323
www.dfwcymru.com

Frank Myers MBE
Wythall
Walford
Ross on Wye
Herefordshire
HR9 5SD

1 May 2008

Your letter of: 12 April 2008

Received on: 18 April 2008

Our ref: 17716187

Dear Mr Myers

Thank you for your recent letter


I was sorry to read of your concerns over major works being carried out by us in the village of Coughton. I can appreciate how frustrating and perhaps distressing this must be for the local residents and hopefully I can clarify the position.

We are committed to preserving the environment and to responding to our customers' views and concerns. I understand that Mike Lynch (Compliance & Regulations Leader) has telephoned you to discuss the issues you have raised and that following this call Steve Cornthwaite (Construction Manager for our contractors) has visited you. I am pleased to confirm that an agreement has been made to close the site in question and we are making alternative plant arrangements.

I am disappointed that our activities have caused a problem for the local community in Coughton and I hope that our swift decision to close the site has demonstrated our commitment to preserve the environment. We will in future, review any further project procedures (regarding the establishment of site compounds) with local communities to avoid or minimise environmental impacts from our activities.

Thank you for bringing this matter to my attention and should you require any further assistance regarding the above please do not hesitate to contact us. You might like to find more about how we help customers who have complaints and I have enclosed a copy of our two booklets for you 'Our commitment to you' and 'How we handle your complaints'.

Yours sincerely


Nigel Annett
Managing Director

Mr F Myers MBE
Wythall
Walford
Ross on Wye
Herefordshire
HR9 5SD

23 April 2008

Dear Mr Myers

I refer to your letter dated 7 April 2008, addressed to our Chairman Ray O'Rourke. As the Alliance Leader for the project in Wales, I have been asked to respond to your concern.

Laing O'Rourke thank you for alerting us to the concerns of the local community regarding the site compound at Caughton near Ross on Wye and also for the time you have taken to explain the issues.


As you have rightly pointed out, Laing O'Rourke do take the views of the communities we serve very seriously and in light of the concerns raised I agree that the best course of action will be to close the compound and make alternative arrangements.

I very much appreciate the fact that you could find the time to meet with Steve Cornthwaite on Friday 18th April as we felt it was important to outline the efforts we do make to get things right in the first instance. We are always keen to learn from situations where appropriate and have determined to review our project procedures regarding our initial engagement with local communities when establishing site compounds.

I understand that Steve has outlined likely timescales regarding closure of the compound and that these are acceptable. I am disappointed that our activities have caused a problem for the local community, and I would be grateful if you could convey this. I am however, pleased that we have been able to resolve the issue to your satisfaction.

Please contact me if I can be of any further assistance. My direct telephone number is 01443 452745.

Yours sincerely


Andrew Swift
Alliance Leader

Laing O'Rourke
Pentwyn Road
Nelson
Treharris, CF46 6LY

Mr F Myers MBE
Wythall
Walford
Ross on Wye
Herefordshire
HR9 5SD

09 May 2008

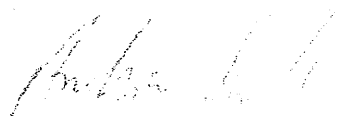
Dear Mr Myers

I refer to your letter dated 1 May 2008, received in our office yesterday.

I have now received an update on the actions being undertaken and understand that a lease for an alternative site compound has now been agreed and all arrangements will be finalised by 21 May. I have asked our Construction Manager Steve Cornthwaite to keep you informed of the situation.

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

Yours sincerely



Andrew Swift
Alliance Leader

Frank Myers MBE
Wythall
Walford
Ross on Wye
Herefordshire
HR9 5SD
Tel: 01989 562688
Mobile: 07785 252273
Email: frank.myers@mcp.co.uk

Colin Matthews
Group Chief Executive
Severn Trent Plc
2297 Coventry Road
Birmingham
B26 3PU

10th April 2008

Dear Mr Matthews

I am writing to you in connection with a plot of land, postcode HR9 5FS, situated in the village of Coughton, in the Parish of Walford, two miles to the south of Ross on Wye in Herefordshire. This whole area is classified as an Area of Outstanding Natural Beauty, AONB. We have landscape views to rival those shown on your Corporate responsibility report.

My key motivation for writing is your corporate statement...

We now have a strong, focused team able to support and drive corporate responsibility achievements within the Group. The team has specialists focusing on community impacts, education, water efficiency, stakeholder education, the environment and conservation.

Major utilities works are taking place in Ross on Wye and it appears to be the case that these are under your auspices. It is unfortunately the case that the above mentioned plot of land is being used as a site compound for these operations. It is our view and belief that such use is not permitted on this site and that your contractors, Laing O'Rourke, together with the landowner, are potentially committing various offences. We do not know whether any plant belonging to you is being stored there.

By parking plant, equipment and vehicles in a field, a former orchard, alongside a tributary to the River Wye, which is half a mile away, your contractors are not only damaging the AONB but there are reports of pollution being seen in the stream. It is inevitable that, given the scale of the plant storage and no proper civil works at all, there will be run off of pollutants into the stream. There are also reportedly up to seventy five movements of plant and vehicles through this tiny village at the start of each working

day. Two fuel tankers have been seen entering the site in the past two weeks. It seems clear that, amongst other things, refueling of the contractors plant is taking place there.

Notwithstanding this the site is an incredible eyesore.

In view of your comments about the communities in which you and your contractors operate and your commitment to your social responsibility towards them, I feel sure that you will appreciate the serious nature of this situation, which appears to contravene your own policies.

We who live in the locality are considering every possible means to put a stop to this eyesore and significant nuisance and by writing to you in this way I am hoping that you will recognise the part you can play in helping us. Your comments would be appreciated and will be shared with the Community.

Yours sincerely

Frank Myers MBE
Vice Chairman
Walford Parish Council

21

Frank Myers MBE
 Wythall
 Walford
 Ross on Wye
 Herefordshire
 HR9 5SD
 Tel: 01989 562688
 Mobile: 07785 252273
 Email: frank.myers@mcp.co.uk

O McLaughlin Esq
 Chairman and Chief Executive
 Enterprise PLC
 Lancaster House
 Centurion Way
 Leyland
 Lancashire
 PR26 6TX

7th April 2008

Dear Mr McLaughlin

I am writing to you in connection with a plot of land, postcode HR9 5FS, situated in the village of Coughton, in the Parish of Walford, two miles to the south of Ross on Wye in Herefordshire. This whole area is classified as an Area of Outstanding Natural Beauty, AONB.

My key motivation for writing is your corporate statement...

Enterprise has always taken a very serious view of Corporate Responsibility (CR); to us it means taking responsibility for every aspect of our business. The Company has ambitious growth plans, this has implications for CR in terms of the targets, monitoring and communications.

Our services touch the lives of millions of people and involve working closely with the local environment. This responsibility drives our CR activities. We are proud of the efforts we make in all areas of CR to minimise our impact and maximise our contribution.

The CR document shows how we have risen to the challenge of continuously improving the positive effects our business has in the workplace, in the community, on the environment and on health and safety practices.

It is unfortunately the case that your company is permitting the above mentioned plot of land to be used as a site compound for your operations. It is our view and belief that such use is not permitted on this site and that you, together with the landowner, are potentially committing various offences.

By parking your plant, equipment and vehicles in a field, a former orchard, alongside a tributary to the River Wye, which is half a mile away, you are not only damaging the AONB but there are reports of pollution being seen in the stream. It is inevitable that, given the scale of the plant storage and no civil works at all, there will be run off of

pollutants into the stream. There are also reportedly up to seventy five movements of plant and vehicles through this tiny village at the start of each working day.

In view of your comments about the communities in which you operate and your commitment to your social responsibility towards them, I feel sure that you will appreciate the serious nature of this situation, which appears to contravene your own policies.

We who live in the locality are considering every possible means to put a stop to this eyesore and significant nuisance and by writing to you in this way I am hoping that you will recognise the part you can play in helping us. Your comments would be appreciated and will be shared with the Community.

Yours sincerely

Frank Myers MBE
Vice Chairman
Walford Parish Council

FOUR SEASONS

(Doug & Jean Preece)

10th April 2008

Orchard House, Coughton

Dear Neighbours

I have been in correspondence with Frank Myers over the past couple of weeks regarding the ever increasing amount of activity on the land at Orchard House. We believe that these activities are being carried out without planning permission and causing danger and pollution in this Area of Outstanding Natural Beauty. I have copies of letters which Frank has sent to Laing O'Rourke and Enterprise PLC who each have several vehicles and much equipment on the site and also to Severn Trent PLC. (Copies are enclosed)

We would like as much support as possible from the local community to dispense with this illegal "business" being carried out on our doorsteps and ask if you would care to co-operate by writing to the companies mentioned in order that they will take serious steps to eliminate the problem. (Please do so in your own words).

We will keep you informed and I would like to hear what steps you have taken to support this very serious objection. Please let me have your e-mail address if you have one. Mine is:- jeanpreecefourseasons@msn.com.

Sincerely



Jean Preece

I wish to make it clear to you that this communication was not intended to imply that Councillor Jarvis was in any way dishonest or disreputable or that he had behaved improperly.

There are no meetings which a councillor is *required* to attend. In fact Mr Jarvis has attended 75% of all 'expected meetings' and this compares favourably with the average attendance rate of all Councillors. It should also be made clear that there is no process for claiming or refusing the allowance in relation to meetings attended. It is automatically paid month after month to Councillors in office.

I am happy to take this opportunity to set the record straight.

Signed: Simeon Cole"

(Continued)

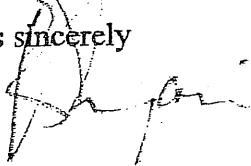
The following conditions form part of this compromise offer...

- The letter must be processed by an independent mail house who must issue confirmation that it has been sent to all households.
- The letter must be posted, individually addressed, to each household on the electoral role for the Kerne Bridge Ward.
- The letter must be posted on or before 29th June 2007.

If you are prepared to accept these terms please sign and return to me (or give to Frank Myers) the enclosed copy of this letter.

If this signed copy is not returned by Friday 22nd June 2007, then it will be assumed that you are rejecting this compromise offer.

Yours sincerely



John Jarvis

I have read and accept the terms of this compromise offer.

Signed: _____ Simeon Cole

Date: _____

Signature
Witnessed by
Frank Myers
Frank Myers
17/6/07

Town and Country Planning Act 1990
 Planning and Compensation Act 1991

PLANNING PERMISSION

Applicant:

Mr S Cole
 Orchard House
 Coughton
 Ross-on-Wye
 Herefordshire
 HR9 5FS

Agent:

Mr C F Knock
 22 Aston Court
 Aston Ingham
 Ross-On-Wye
 Herefordshire
 HR9 7LS

Date of application: 20th January 2004

Application code: **DCSE2004/0220/F**

Grid ref: 59867,20872

Proposed development:

SITE: Thorny Orchard, part of OS Plot 8691, Coughton, Ross-on-Wye, Herefordshire
DESCRIPTION: Proposed building for the storage and repairs of agricultural, horticultural, automotive and plant machinery

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL hereby gives notice in pursuance of the provisions of the above Acts that PLANNING PERMISSION has been GRANTED for the development described above in accordance with the application and plans submitted to the authority subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. Notwithstanding the approved drawings, details of the following shall be submitted to and approved by the local planning authority prior to the commencement of any works.

- (a) external finish or roller shutter doors
- (b) position, size and external finish of doors and windows including rooflights
- (c) walls, fences and gates

The development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials harmonise with the surroundings.

3. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and any necessary tree surgery. All proposed planting shall be clearly described with species, sizes and planting numbers.

Reason: In order to protect the visual amenities of the area.

Continued...

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.

Reason: In order to protect the visual amenities of the area.

5. Notwithstanding the approved drawings no development shall take place until details of earthworks have been submitted to and approved in writing by the local planning authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.

Reason: To safeguard the visual amenities of the area.

6. No development shall take place until details of the quantity and destination of any spoil to be removed from the site have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To protect the character of the Area of Outstanding Natural Beauty.

7. Notwithstanding the approved drawings no development shall take place until details of all hard surfaces including access drives, paths, yard have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To safeguard the visual amenities of the area.

8. The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and these areas shall thereafter be retained and kept available for those uses at all times.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

9. Notwithstanding the approved drawing no. 303:1078:10A the entrance gates shall not be positioned as shown but in accordance with details to be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

Continued....

10. Prior to the occupation of the building hereby approved the existing accesses marked to be closed on drawing no 1303:1078:10A shall be permanently closed. Details of the means of closure and reinstatement of this existing access shall be submitted to and approved in writing by the local planning authority prior to the commencement of work on the development hereby approved.

Reason: To ensure the safe and free flow of traffic using the adjoining County highway.

11. The premises shall be used for storage and repairs of agricultural, horticultural, automotive and plant machinery only and for no other purpose.

Reason: To safeguard the visual amenities of the area.

Informative

The decision to grant planning permission has been taken having regard to the policies and proposals in the Structure Plan and Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:

Hereford and Worcester County Structure Plan:

- E6 - Development in Rural Areas outside the Green Belt
- CTC1 - Development in Areas of Outstanding Natural Beauty
- CTC2 - Development in Areas of Great Landscape Value

South Herefordshire District Local Plan:

- ED5 - Expansion of Existing Businesses
- C1 - Development within Open Countryside
- C5 - Development within Area of Outstanding Natural Beauty
- C8 - Development within Area of Great Landscape Value

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting Reception at Blueschool House, Blueschool Street, Hereford (Tel: 01432-260342).

Southern Planning Services
PO Box 230
Blueschool House
Blueschool Street
Hereford
HR1 2ZB

Decision Date: 13th May 2004


Chief Development Control Officer

YOUR ATTENTION IS DRAWN TO THE NOTES OVERLEAF

8

**SUPPORTING
DOCUMENTS FROM
THE COUNCIL**

8

**COMPLAINT NUMBER SC0802:
COUNCILLOR FRANK MYERS OF WALFORD PARISH
COUNCIL****Report By: Assistant Chief Executive - Legal & Democratic**

1. A complaint has been made by Mr Simeon Cole of Orchard House, Coughton, Ross-on-Wye, HR9 5SF against Parish Councillor Frank Myers.
2. The complaints against Parish Councillor Frank Myers are summarised as follows: -
 - a. Mr Cole alleges that Parish Councillor Myers has a beneficial interest in a property adjacent to the property at which he resides, namely Wythall, Bulls Hill, HR9 5SD;
 - b. Mr Cole makes reference to a letter he received from a parishioner who alleges vested interests by various Councillors into the closing down of Mr Cole's business;
 - c. Mr Cole alleges that less than 24 hours notice was given to Parish Councillors regarding a site visit at the Thorny Orchard site, which was chaired by Parish Councillor Myers. Upon chairing the next Parish Council meeting, Mr Cole alleges that Parish Councillor Myers made no reference to the site visit.
 - d. During the debate on Thorny Orchard, Mr Cole alleges that false information was referred to.
 - e. Mr Cole makes reference to a letter that Parish Councillor Myers sent on his own-headed notepaper to Laing O'Rourke, but is signed of by him as the Vice Chair of the Walford Parish Council and alleges the potential commitment of various offences. Mr Cole alleges this in turn made Laing O'Rourke vacant the Orchard House Site, which had a detrimental effect on Mr Cole's business income.
 - f. Mr Cole also alleges that Parish Councillor Myers wrote to Severn Trent Water again in his capability as Vice Chairman of Walford Parish Council and stated that inappropriate activities were being carried out.
 - g. Mr Cole alleges that Parish Councillor Myers encouraged two parishioners to distribute false information regarding activities at Orchard House, which Mr Cole states is untrue.
 - h. Mr Cole alleges that Parish Councillor Myers has acted inappropriate by having verbally harassed Mr Cole's wife and himself on occasions, indicated an intension to stop the development of the Thorny Orchard site which Mr Cole alleges has impacted on his health and the financial viability of his business.

ASSESSMENT SUB COMMITTEE

3. The following papers are attached
 - a. Complaint form submitted dated 26th June 2008
 - b. Supporting Documentation submitted by Mr Cole
 - c. Parish Councillor Myers Register of Interests – submitted by the Council
 - d. The Walford Parish Code of Conduct (to follow)
4. The Assessment Sub Committee is asked to consider the complaint and make one of the following recommendations, together with reasons for the decision.
 - a. Refer the allegation to the Monitoring Officer of the local authority concerned for investigation, or alternative action such as mediation or training;
 - b. Refer the allegation to the Standards Board for England;
 - c. Decide that no action should be taken in respect of the allegation; or
 - d. Refer the allegation back to the complainant, requesting further information.

Notification by Councillor of a Parish or Town Council of Financial and Other Interests

I, (full name) FRANK MYERS

a member of WALFORD PARISH Council

GIVE NOTICE that I have the following financial interests (*please state "None" where appropriate*)

(1) [My employment][Business carried on by me]
(*delete as appropriate*)

COMPANY DIRECTOR & CONSULTANT

(2) [Name(s) of my employer(s)][Name(s) of firm(s) in which I am a partner]
[Name(s) of company(ies) of which I am a remunerated director]
(*delete as appropriate*)

MYERS ROAD SAFETY LTD

(3) Names(s) of person(s) (other than a relevant authority) who has/have made any payment to me in respect of my election or any expenses incurred by me in carrying out my duties.

NONE

RECEIVED
18 JUN 2007
ELECTORAL
REGISTRATION

(4) Name(s) of any corporate body/ies having a place of business or land in the parish/ town council's area, and in which I have a beneficial interest in a class of securities of that body/those bodies that exceeds the nominal value of £25,000, or one hundredth of the total issued share capital of that body/those bodies.

NONE

- (5) Description of any contract for goods, services or works made between the parish/ town council and myself or a firm in which I am a partner, a company of which I am a remunerated director, or a body of the description specified in (4) above.

NONE

- (6) Address or other description (*sufficient to identify the location*) of any land in which I have a beneficial interest and which is in the area of the parish/town council.

WYTHALL
BULL'S HILL.
WALFORD
HR9 5SD

- (7) Address or other description (*sufficient to identify the location*) of any land where the landlord is the parish/town council and the tenant is a firm in which I am a partner, a company of which I am a remunerated director, or a body of the description specified in (4) above.

NONE

- (8) Address or other description (*sufficient to identify the location*) of any land in the parish/town council's area in which I have a licence (alone or jointly with others) to occupy for 28 days or longer.

NONE

I further GIVE NOTICE of the following other interests:

- (9) I am a member or hold a position of general control or management of the following body/ies to which I have been appointed or nominated by the parish/town council as its representative.

NONE

- (10) I am a member or hold a position of general control or management of the following public authority/ies or body/ies exercising functions of a public nature, e.g. other local authorities, NHS bodies and voluntary sector etc.

AMBASSADOR,
MANUFACTURING ADVISORY SERVICE
(A DTI APPOINTMENT)

- (11) I am a member or hold a position of general control or management of the following company/ies, industrial or provident society/ies, charity/ies or body/ies directed to charitable purposes.

DIRECTOR OF MANUFACTURING
ROYAL BRITISH LEGION INDUSTRIES
ALLETFORD
ME20 7NL

- (12) I am a member or hold a position of general control or management of the following body/ies whose principal purposes include the influence of public opinion or policy.

NONE

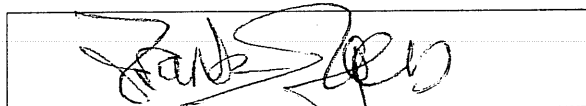
18 JUN 2007

ELECTORAL
REGISTRATION

- (13) I am a member or hold a position of general control or management of the following trade union(s) or professional association(s).

FELLOW INSTITUTE OF BUSINESS CONSULTANTS
MEMBER CHARTERED MANAGEMENT INSTITUTE
MEMBER INSTITUTE OF ENGINEERING AND
TECHNOLOGY

Signed



Date

12th June 2007

NOTE A councillor must within 28 days of becoming aware of any change to the interests specified above, provide written notification to the Herefordshire Council's Monitoring Officer of that change, via the Parish Clerk, who will maintain the Register of Interests for the Council.

CORRESPONDENCE

Deputy Chief Executive's Office
Andrew Williams (Interim)

Mr S Cole
Orchard House
Coughton
Ross-on-Wye
Herefordshire
HR9 5SF

Your Ref:

Our Ref: AJM/JP/ACE/LD/SB0801-02

Please ask for: Alan McLaughlin

Direct Line / Extension: 01432 260200

Fax: 01432 260206

E-mail: amclaughlin@herefordshire.gov.uk

11th July, 2008

Dear Mr Cole,

COMPLAINT

I acknowledge receipt of your complaint which was received on 30th June 2008 regarding Councillor John Jarvis and Parish Councillor Frank Myers. The assessment sub-committee of the authority's standards committee will now meet on 28th July 2008 to decide what action should be taken in relation to your complaint. You will not have the opportunity to attend, as it is not a public meeting. It is therefore important that you have provided all the information that you want taken into account when the assessment sub-committee makes its decision.

Before the assessment sub-committee meets I will notify the member that a complaint has been made about them, who made the complaint and the relevant paragraphs of the Code of Conduct that it is alleged may have been breached.

The member will be given a summary and details of the complaint once the assessment sub-committee has made its decision.

The assessment sub-committee can reach one of the following three decisions. It can:

- (i) Refer the allegation to the monitoring officer of the local authority concerned for investigation or some other action such as mediation or training.
- (ii) In exceptional cases, refer the allegations to the Standards Board for England.
- (iii) Decide that no action should be taken in respect of the allegation.

If the assessment sub-committee decides that no action should be taken, it will give reasons for this and explain your right to request a review of that decision.

The assessment sub-committee aims to make this decision within an average of 20 working days of the date from receipt of your complaint. I will inform you in writing of the assessment sub-committee's decision.

Lexcel
Practice Management Standard
Law Society Accredited



Putting People First Providing for our Communities Preserving our Heritage Promoting the County Protecting our Future

County of Herefordshire District Council, P O Box 240, Brockington, 35 Hafod Road, Hereford HR1 1ZT

DX: 135296 Hereford 3

Main Switchboard (01432) 260000 - www.herefordshire.gov.uk

I would like to remind you that your name and details of your allegation will be revealed to the member you have complained about. I can only withhold the identify of a complainant in exceptional circumstances. Please contact me on receipt of this letter if you are concerned about your identity being disclosed.

If you have any queries about the process, please do not hesitate to contact me.

I also enclose for your information the Standards Board leaflet 'Making a Complaint'.

Yours sincerely,

ALAN MCLAUGHLIN
ASSISTANT CHIEF EXECUTIVE
LEGAL AND DEMOCRATIC

**COMPLAINT FORMS /
THE WRITTEN
COMPLAINT**

complaint form

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

You can also email them at newcomplaints@standardsboard.gov.uk

Please note

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

ABOUT YOU

title Mr Ms Mrs Miss Councillor Other (please specify)

first name SIMEON surname COLE

address ORCHARD HOUSE, COUGHTON, ROSS-ON-WYE
HEREFORDSHIRE postcode HR 9 5 3 F

daytime telephone [REDACTED] (REDACTED)

evening telephone [REDACTED] DPA

email

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

signature



date: 26 06 08

YOUR COMPLAINT

Who are you complaining about?

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

name of the individual/s

name of their authority/ies

JOHN GILCHRIST JARVIS
FRANK MYERS

HEREFORDSHIRE COUNCIL
WALFORD PARISH COUNCIL *

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

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

*



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

PLEASE SEE ATTACHED DOCUMENTATION

EVIDENCE (if this applies)

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

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

Please send this form to:

The Standards Board for England
 Fourth Floor
 Griffin House
 40 Lever Street
 Manchester M1 1BB

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

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

your ethnic origin

Asian or Asian British	Chinese	White	<input checked="" type="checkbox"/>
Black or Black British	Mixed	Other	<input type="checkbox"/>

Why I believe Parish Cllr Frank Myers has broken the code of conduct guide for members.

It is my belief that Cllr Frank Myers has a PREJUDICIAL interest in the planning application known as Thorny Orchard as he has a beneficial interest in an **immediately adjacent** property where he resides namely Wythall, Bulls Hill, HR9 5SD.- See attached map, appendix 1a.

1. I write out of concern for Walford Parish Council having received an advisory letter from a parishioner – Mrs Mavis Allen, 2 Arbour Hill Cottage, Arbour Hill, Ross on Wye, HR9 7TH. See appendix 1
2. At 2.30 pm on Saturday 16th February 2008 an Emergency Parish Council Site Visit was called at the Thorny Orchard site, all Parish Councillors were advised of this on the evening of Friday 15th February 2008 (less than 24 hours notice was given). Cllr Frank Myers chaired this site visit.
3. On chairing the section of the Parish Council meeting of the 12th March relating to Thorny Orchard he appears to have not reported the previous emergency site visit he chaired on Saturday 16th February 2008. – See appendix 2.

(Note at 14th May 2008 at the Walford Parish Council meeting Cllr Frank Myers stated that the minutes referring to Thorny Orchard dated 12th March 2008 were correct.)

4. During the debate on Thorny Orchard and the perceived notion that the planning permission granted application no: DSCE2004/0220/F dated 13th May 2004 was not being adhered to – see appendix 10, which has been proved to be false information, connections were made with activities at Orchard House. The minutes of the Parish Council meeting held on 12th March 2008 query the ‘lawfulness of Orchard House’, yet there is nothing to query. – See appendix 3 - Certificate of Lawfulness – DCSE2005/167/0/U dated 24/05/2005
5. The minutes of the meeting held on 12th March indicate that Cllrs Thomas and Myers were to formulate a letter regarding the Orchard House site that would then be circulated to fellow councillors for comments before being submitted to the authorities, yet no further reference has been offered to Parish Councillors.

6. A letter, which **has been** sent by Vice-Chairman Cllr Frank Myers, on his own personal headed notepaper but signed as Vice Chair of Walford Parish Council - see appendix 4, dated 7th April 2008 to Laing O'Rourke, alleges the company to be potentially committing various offences by being sited at the Orchard House site. This letter subsequently led to Laing O'Rourke making the decision to vacate the Orchard House site, which has had a grave detrimental effect on my business income.
7. On 10th April 2008 Cllr Frank Myers wrote as Vice-Chairman of Walford Parish Council to Severn Trent Water Authority informing them that inappropriate activities were taking place at the Orchard House site. See appendix 5, again this is unfounded.
8. Cllr Frank Myers encouraged Doug and Jean Preece to distribute false information regarding activity at Orchard House see Appendix 7 where they distributed copies of Appendices 4, 5, and 6 to residents encouraging them to support them in stopping this supposed illegal business. The information forwarded to them by Frank Myers was totally incorrect. See appendix 3 - Certificate of Lawfulness DCSE2005/167/0/U dated 24/05/2005

In conclusion I believe that Vice-Chairman Cllr Frank Myers has acted inappropriately, having verbally harassed both my wife and myself on several occasions, indicating his intent to close our business at Orchard House and stop the development of the Thorny Orchard site. This has impacted on both our health and the financial viability of our business. I believe that he is failing to uphold many of the 'Ten General Principles of Public Life' as included in the Members Code of Conduct, namely selflessness, honesty and integrity, objectivity, openness, respect for others, duty to uphold the law, and leadership.

Walford Parish Councillor Frank Myers continues to take an extraordinarily unusual interest in our business at Orchard House.

Please note that Parish Councillor Frank Myers appears closely associated with Cllr John Jarvis, District Councillor for Kerne Bridge Ward, which includes both the Thorny Orchard and Orchard House sites. See appendices 8 & 9 - letters of June 2007.

**SUPPORTING
DOCUMENTS FROM
THE COMPLAINANT**

Supporting Evidence regarding the intimidation activities of Councillor John Jarvis
and Parish Councillor Frank Myers.

Below is the diary evidence regarding the intimidation of both Cllr John Jarvis and Parish Cllr Frank Myers to myself Simeon Cole and my family.

The problems started in the run up to the local elections in 2007 during which time the Kerne Bridge Ward seat was hotly contested between Cllr John Jarvis and myself Simeon Cole the Independent candidate.

The evidence against both Cllr John Jarvis and Parish Cllr Frank Myers is combined in this document as their association is very closely linked.

- 19th April 2007 – Local resident Mr Peter Barley caught sitting councillor John Jarvis attempting to remove an election placard supporting Simeon Cole from his land, this resulted in the placard being damaged.
- May 3rd 2007 – Election Day. Cllr John Jarvis was harassing me whenever he saw me at the various polling stations throughout the day. In the evening at the election count he informed that if I should win he was going to sue me. At this point his brother in law stated that he hoped I had deep pockets.
- 20th May 2007 – the first visit by Parish Councillor Frank Myers telling me that he was acting as a mediator and that they had engaged a firm of solicitors and that they were going to sue me, and it would cost me £80,000 - £100,000 unless I printed a retraction regarding details found within my election leaflet.
- 28th May 2007 – Parish Councillor Frank Myers again visited out house reiterating their threat of legal action against me.
- 3rd June 2007 – Parish Councillor Frank Myers visited our house again to ascertain what I was planning to do regarding the retraction. He assured me that legal proceedings were imminent and once started could not be stopped.
- 17th June 2007 – Parish Councillor Frank Myers visited again bringing a letter signed by Cllr John Jarvis, who signed the letter witnessing Cllr John Jarvis' signature with the retraction letter attached which they expected me to sent to all households in the Kerne Bridge Ward. At this point I stated that I would need to seek legal advise on the matter.
- 22nd June 2007 – Parish Councillor Frank Myers visited our house once again regarding this issue.
- 24th June 2007 - Parish Councillor Frank Myers came to our house again and pushed a letter from Cllr John Jarvis through our letterbox. At 9.00pm he left a message on our telephone stating that he had pushed a letter through our door.

Such was the continued threat of legal action and intimidation towards my family and myself that I had no option but to sell a parcel of land called Thorney Orchard to realise the funds to fight the proposed legal action. I chose not to sent the retraction to the residents of Kerne Bridge ward as I only stated the facts as detailed on the Herefordshire council website. No legal action followed from Cllr John Jarvis and Parish Councillor Frank Myers.

I obtained planning permission for a building for the storage and repairs of agricultural, horticultural, automotive and plan machinery on the Thorney Orchard site on January 24th 2004 Application no: DCSE2004/0220/F. I was assisting the

new owner with some parts of the development of the site, and we have at all times liaised with all necessary organisations to ensure that we have kept within the planning permission to the best of our ability. Parish Councillor Frank Myers and several of his fellow supporters within the parish council have taken an inordinarily amount of interest in the Thorney Orchard site and have made no secret that they want it closed down.

- 15th Feb 2008 – 7.20pm Parish Clerk Mrs Perry left a message on my phone to inform me of a meeting that had been called by Parish councillor Frank Myers at the Thorney Orchard site at 2.30pm the next day (Sat 16th Feb 2008)
- 16th Feb 2008 – 2.30pm meeting held at Thorney Orchard and chaired by Parish Councillor Frank Myers. The developer was unaware of the meeting until 2 hours before.
- 10th March 2008 – Two men from the environment department came to visit Orchard House they stated that everything was ok and in order.
- 12th March 2008 – At the Walford Parish Council meeting both Walford Parish Council Chairman Eric Drummond and myself were sent out of the meeting for 1 hr and 20mins while Parish Councillor Frank Myers who chaired the meeting and the remaining councillors discussed the Thorney Orchard site. Fellow Parish Councillor Michael Downey failed to declare a prejudicial interest due to the proximity of his property to the Thorney Orchard site and also took part in the meeting. It was also at this meeting that Cllr John Jarvis gave out copies of a letter from Steven Holder the planning officer to the developer before the letter had been sent to the developer. It was also at this meeting that the link between the Thorney Orchard site and the condition of my home business at Orchard House were linked together.

A neighbour and associate of Parish Councillor Frank Myers, Mr Doug Preece drove up and down Howle Hill road, slowed down and looked across to Orchard House where we live.

- 24th March 2008 – Parish Councillor Frank Myers parked by a tree on Howle Hill in a black BMW - car reg GF 05 CAF and looked across to Orchard House and watched what my family were doing.
- 25th March 2008 – Fellow Parish Councillor and friend of Parish Councillor Frank Myers, Bridget Vine, stopped at the lay-by near the tree on Howle Hill and was looking across at Orchard House.
- 27th March 2008 – In the evening time Parish Councillor Frank Myers stopped by the tree on Howle Hill turned his car in the road and shone his car lights across the to polytunnel where my wife and children were.
- 1st April 2008 – Lisa Hughes from the planning office came to visit Orchard House. She stated that she was just doing her job and that she had no problems with the activities at Orchard House. She also took photos of the site at Orchard House.
- 12th April 2008 – Doug Preece from Four Seasons drove up and down Howle Hill slowly watching what we were doing. This followed on from the letter he wrote supporting Parish Councillor Frank Myers and distributed to the neighbours.
- 13th April 2008 – Parish Councillor Frank Myers drove up and down Howle Hill road very slowly in the early evening.

- 14th April 2008 – at the Walford Parish Council meeting the minutes of the meeting on 12th March were signed and mention was given to stopping both sites at Thorney Orchard and Orchard House.
- 19th April 2008 – Parish Councillor Frank Myers was on the Howle Hill road at 12.20 watching us cut wood with our 11-year-old son.
- 26th April 2008 – Parish councillor Frank Myers and a fellow companion was parked in the lay by on Howle Hill at 5.20pm watching us.
- 10th–17th May 2008 – during this week our woodman followed a black BMW car reg GF 05 CAF, down Howle Hill travelling at 2mph. At the bottom of the hill the car turned and returned back up Howle Hill very slowly looking across to Orchard House as he went.
- 15th May 2008 – Parish Councillor and friend of Parish Councillor Frank Myers Heather Evans parked above Thorney Orchard and at 8.23pm walked around the Thorney Orchard site, which is private property.
- 22nd May 2008 – A green car was parked on the Howle Hill road. The occupant was wearing a fawn jumper with a red collar and had fair bushy hair. I got in my car to go and speak to him but he started to drive off as I got to him, I followed him up the hill and thinking that he had left I went on into Ross. The vehicle returned and parked in the same place for around 5 minutes before driving off.
- 29th May 2008 – A black BMW car reg – GF 05 CAF car pulled into the entrance of Orchard House watching my wife and children at around 5.20pm

Such has been the continued intimidation regarding my workplace at Orchard House and the Thorney Orchard site which I would never have sold if not threatened by Cllr John Jarvis and Parish Councillor Frank Myers that it has had a detrimental effect on both the health and well being of my family and myself.

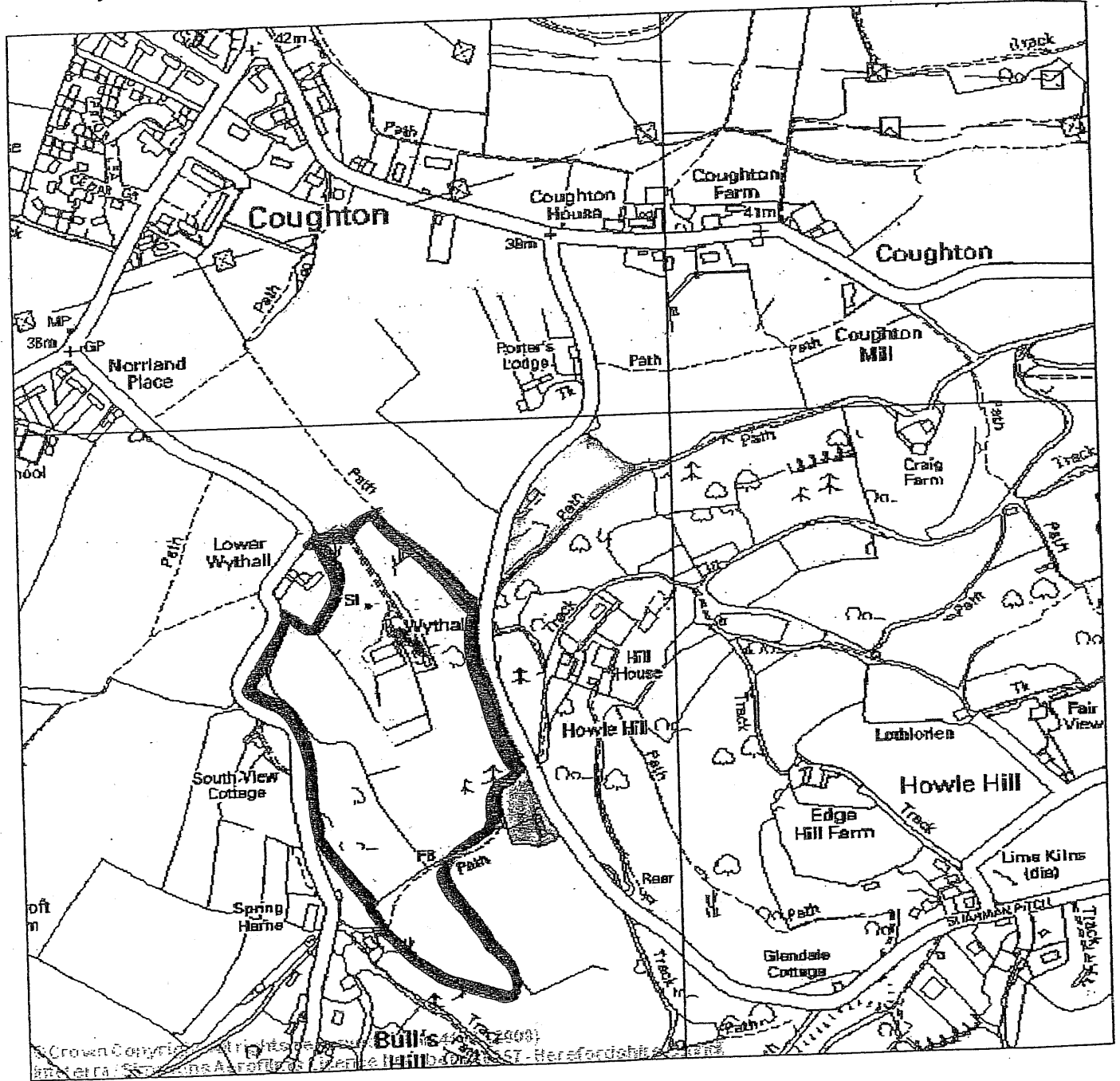
Due to the continual interference from Parish Councillor Frank Myers and his associates a company call Laing O'Rourke's with whom I was doing business saw fit to move their business elsewhere in the locality causing my business to suffer financially.

Herefordshire Council Planning Services
 PO Box 230
 Blueschool House, Hereford, HP1 2ZF
 Tel: (01432) 260000 - Fax: (01432) 291870

HOME & LAND OWNED BY
 PARISH CLLR MICHAEL DOWNEY.

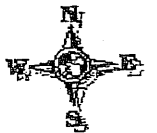
HOME & LAND ASSOC WITH
 PARISH CLLR FRANK MYERS

Thorney Orchard



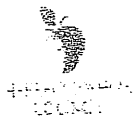
-  Development Control Applications
-  Development Control Team Areas

-  Herefordshire County Wards
-  Herefordshire County Parishes



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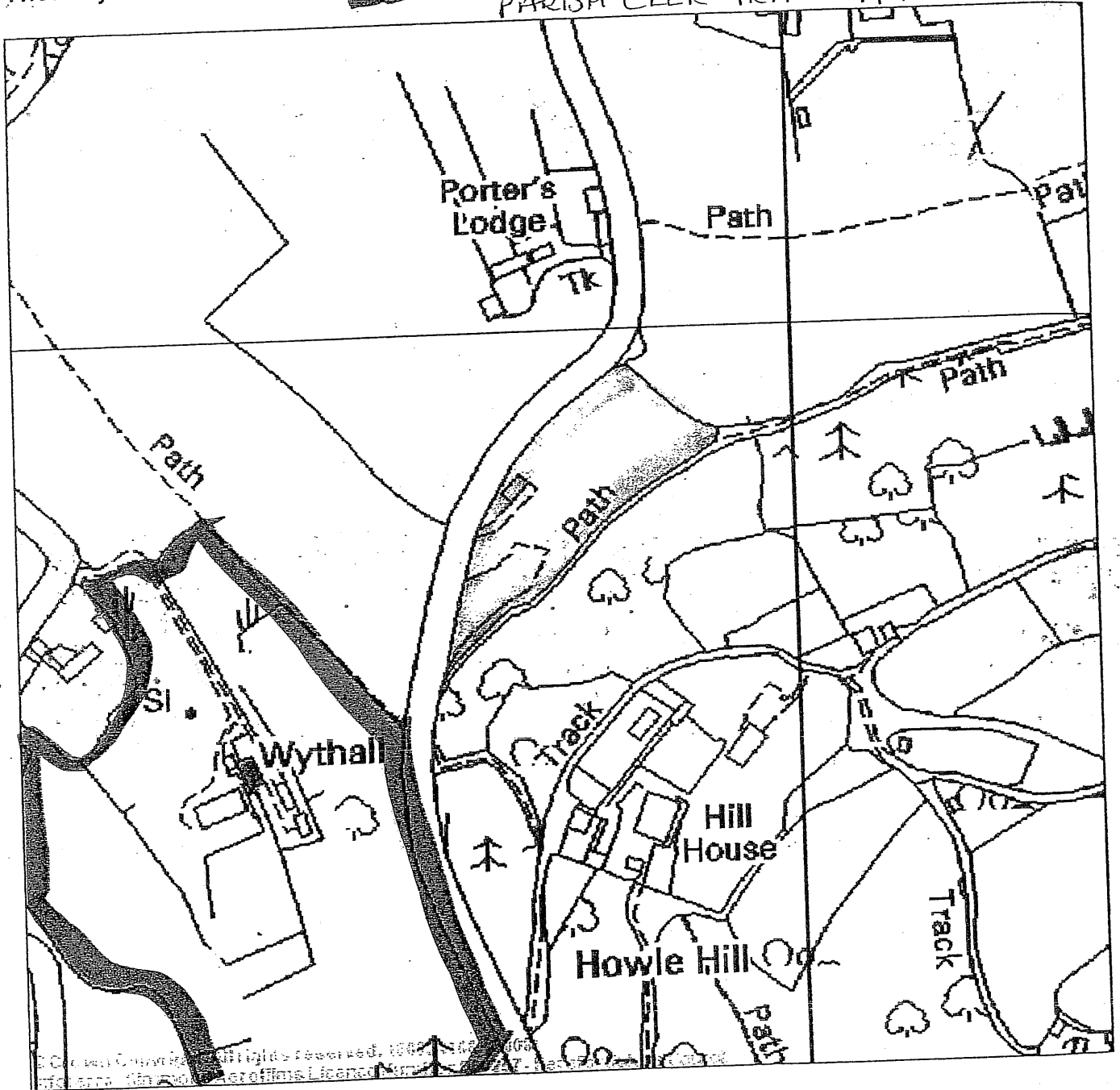
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 © Crown Copyright. All rights reserved. 100024168. (2008)


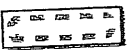

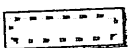


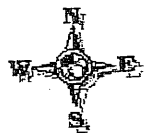
Thorney Orchard



HOME & LAND ASSOC WITH
PARISH CLLR TRANK MYERS.



- | | | | |
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|  | Development Control Applications |  | Herefordshire County Wards |
|  | Development Control Team Areas |  | Herefordshire County Parishes |



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WALFORD PARISH COUNCIL
MINUTES of the MEETING held on 12 MARCH 2008
at WALFORD VILLAGE HALL

Present Cllrs E Drummond (Chairman), SW Cole, M Downey, H Evans, G Jones, F Myers, G Symonds, M Thomas, A Whitlock,
Ward Councillor Jarvis, the Clerk and 12 members of the public.
Apologies Cllrs SM Cole, L Freeman, P Heath, B Vine
Declarations of Interest. Cllrs Jones and Whitlock on Planning Application No. 1176
Cllrs Drummond and SW Cole on Thorny Orchard

Minutes of the January meeting were agreed and signed

Matters Arising

1. Electricity costs for Priory Lea. There would be no further invoices from Npower as energy costs were being paid by Herefordshire Council already. A process had been begun to recover costs for the previous 14 months. Cllr Myers queried the limit of 14 months which he did not think was statutory. Clerk to investigate
2. A site meeting to discuss the siting of Speed Indicator Devices on the 'Walford Straight' (after Walford Timber premises) had been arranged for Wednesday 14 April at 10.00 am. with HC and police representatives. Cllrs Drummond, Cole and Symonds said they would attend
3. The Clerk said that the Chairman and V Chairman had completed the Major Incident Emergency Plan for Walford. She thanked those that had agreed to the use of their resources if needed.
4. The Clerk, Chairman and V Chairman had considered the Data Protection Act. As no data of importance was held on-line by the Clerk (she down-loaded hard copies from emails), it was not felt necessary to ask for a licence.
5. A sign for warning of pedestrians on the road had been erected as requested on the Hom Road at the site of the former railway bridge.
6. No promotional material was yet available for the Herefordshire Walking Festival

FINANCE- see Appendix A

1. The Clerk presented the March report. She pointed out that there was an error in the RoW account :£537.07 was held in the Deposit Acct not £792.00 as stated. The error was rectified and initialled by the Chairman.
2. The Clerk asked that the following items be included in the Payments Due column:
Costs for May 2007 election to Herefordshire Council: £1255.97
and rent for hire of BV Hall for Cycle Link meeting on 20 March at £7.50. These were agreed .
3. The Clerk said that the Bank Reconciliation for the quarter ending on 31 December '07 had been completed satisfactorily. The bank statements had not come through in time for inclusion in the January meeting
4. Walford Parish Council had been awarded £300.00 as a grant from DEFRA via HALC for increased coverage of parish communication with the first issue of the Parish Newsletter now being delivered to every house.
5. Priory Lea power costs: see No.1 in Matters Arising above.
Cllr Downey proposed acceptance of the report, seconded by Cllr G Jones. Carried.

CORRESPONDENCE – see Appendix B

New Correspondence

1. It had been found from an emailed enquiry that the Parish Plan had not been formally adopted by Herefordshire Council.
It was decided that the Clerk should confer with members of the Parish Plan team before any action was taken.
Mr Jarvis said that he would look into the matter of further funding for P Plan projects.

2. The revised map for the 'No Waiting at Any Time' near Walford School, allowing for the new parking area, had been agreed. It was decided to evaluate the result of this before asking for a similar restriction on the other side of the road
3. Speed Indicator Devices: site meeting on Wednesday 14 April with police and HC representatives outside The Mill Race had been arranged. Cllrs Drummond, Cole and Symonds said that they would try to attend. 16c
4. The new Police Community Support Officer was Paul Leighton. The Parish Council had not been notified of his appointment although we had been ticked off the relevant list. He had been given the dates of future meetings and would attend if possible.
5. Local Council Review for circulation
6. Poster to advertise Charity Walk for Kidney Research over nine bridges (c. 7 miles) in London on 6 July. Details with Clerk.

PLANNING – see Appendix C

Further planning items to the Appendix:

1174 5 Priory Lea, Coughton. Conservatory to rear of dwelling: H C CONSENT

1175-Brockwood, Howle Hill. Replacement garage and two-storey extension to replace single storey extension.(WPC – no objections)

The following new application was considered:

1176 SE 008/0526/F Great Howle Farm, Howle Hill. Erection of wind turbine on 15m monopole. WPC comment: It was decided that the Parish Council should be in favour of this application because its 'green' credentials outweighed concerns over the effect on the environment of a tall mast in a prominent position so near an AONB

Thorny Orchard

Vice-Chairman Cllr Myers took the chair at this point.

There was much local concern that the new owner of Thorny Orchard had not obeyed the conditions set on the development of the site that went with the planning consent; that earthwork details were not available on plan; that an unauthorised wall had been built; that many of the conditions had been previously discharged; that the access was considerably enlarged thus foreshortening the lines of sight down-hill to create a new danger; that the site had been enlarged 75m beyond the 11kv overhead line; that preparations for the building were in the wrong position; that RoW WA 50 had been cut back in width and was now closed because of the danger of bank collapse; that the mound of uncompacted soil over the U70416 was very dangerous.

Ward Cllr John Jarvis gave out copies of a strong letter, dated the previous day, from Mr S Holder the planning case officer. He had asked for an accurate survey of the site; a new planning application for the whole site, a design and access statement, a landscape impact study, an ecological study, an assessment of highway implications and report on volume of material to be removed and its destination.

It was decided that another letter be written to Herefordshire Council in order to prevent this situation from being repeated within Herefordshire. The letter would ask about the original reasons for giving consent to an application that was against planning policy; about the inadequately detailed original plans; about original information which led to the discharge of conditions; about the substandard method of supervision on conditions.

It was stressed that the original planning process for Thorny Orchard had been linked to an undertaking to clear the eyesore field at Orchard House. In this context the precise status of any permissions at Orchard House was questioned. In particular, it was the case that the planning file for Thorny Orchard had stated that insufficient evidence had been submitted to make the use of this land lawful and yet there were those who believed that some lawful use had been acknowledged

In any case there were concerns as to how any lawful use could permit the type of activities now taking place there with the eyesore being worse than ever and many other unsatisfactory aspects including commercial and construction vehicles being stored there directly alongside the stream.
It was agreed that Cllrs Thomas and Myers would draft a letter for further comment by councillors and then submission to the Authorities.

Councillor Drummond re-occupied the chair

RIGHTS OF WAY

Cllr Downey reported that the new contractor, Roger Peates, was continuing to clear paths and had proved very able with the chain saw. Any requests for work to be sent to M Downey

LENGTHSMAN

There was no report.

PARISH PLAN PROJECTS

1. Recreation Areas. Cllr Jones said work was on-going to put together details of three possible sites
2. Local Links Cycle Way. Cllr Heath reported that his team had captured some funding from AONB office to the tune of c £4000 and hoping to capture c £2000 from a Community Regeneration Fund. This combined with the grant from the Parish Council will pay for the Feasibility Study that is underway. He is still looking for a fund-raiser. Please make this known to anyone you think could help.

STATE OF ROADS

1. There were reports about an incipient landslip near the new entrance to South View on the Bulls Hill road.
2. Cllr Jones reported the drainage pipes were crushed at Howle Hill Cross and needed immediate attention since storm water was cascading down the hill, undermining soil banks and ending in people's properties.

ANY BUSINESS FOR A FUTURE AGENDA

No items were asked for.

DATE OF NEXT MEETING

The Chairman announced the date:

Wednesday 14 May at Walford Village Hall at 7.30pm for the Annual Meeting of the Parish Council followed by an ordinary meeting

The meeting closed at 9.25 pm.

Chairman

Date

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

Applicant:
S Cole
Orchard House
Coughton
Ross on Wye
Herefordshire
HR9 5SF

Agent:
Mr C F Knock
Tinkers Grove
The Deer Park
Eastnor
Ledbury
Herefordshire
HR6 1RQ

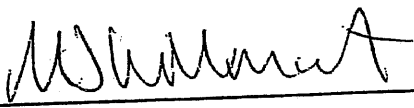
Date of application: 24th May 2005

Application code: **DCSE2005/1670/U**

Grid ref: 59988,21104

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL hereby certify that on 24th May 2005 the use described in the First Schedule to this Certificate in respect of the land specified in the Second Schedule to this Certificate and edged red on the plan attached to this Certificate, was lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

1. The Council is satisfied that the use commenced more than 10 years ago and has continued without interruption during the intervening period.

Signed:  **Team Leader - South**
(Council's authorised officer)

On behalf of THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

Decision Date: 10th April 2006

FIRST SCHEDULE:

Use of land to store agricultural contractor's plant and machinery.

SECOND SCHEDULE:

Land part OS plot no: 0021; Orchard House, Coughton, Ross on Wye, Herefordshire

NOTES

- (a) This Certificate is issued solely for the purpose of Sections 191 of the Town and Country Planning Act 1990 (as amended).
- (b) It certifies that the use specified in the First Schedule taking place on the land described in the Second Schedule was lawful, on the specified date and, thus was not liable to enforcement action under Section 172 of the 1990 Act on that date.

47

Frank Myers MBE
Wythall
Walford
Ross on Wye
Herefordshire
HR9 5SD
Tel: 01989 562688
Mobile: 07785 252273
Email: frank.myers@mcp.co.uk

R O'Rourke Esq
Chairman and Chief Executive
Laing O'Rourke
Bridge Place
Anchor Boulevard
Crossways
Dartford
DA2 6SN

7th April 2008

Dear Mr O'Rourke

I am writing to you in connection with a plot of land, postcode HR9 5FS, situated in the village of Coughton, in the Parish of Walford, two miles to the south of Ross on Wye in Herefordshire. This whole area is classified as an Area of Outstanding Natural Beauty, AONB.

My key motivation for writing is your corporate statement...

At Laing O'Rourke, we realise that construction and development projects take place within the context of the wider community. Upon completion they will serve those same communities, and the constructor can have a defining impact on this relationship:

We recognise that the people and organisations who make up these communities form a critical stakeholder group, and we are committed to our social responsibility towards them.

It is unfortunately the case that your company is permitting the above mentioned plot of land to be used as a site compound for your operations. It is our view and belief that such use is not permitted on this site and that you, together with the landowner, are potentially committing various offences.

By parking your plant, equipment and vehicles in a field, a former orchard, alongside a tributary to the River Wye, which is half a mile away, you are not only damaging the AONB but there are reports of pollution being seen in the stream. It is inevitable that, given the scale of the plant storage and no civil works at all, there will be run off of pollutants into the stream. There are also reportedly up to seventy five movements of plant and vehicles through this tiny village at the start of each working day.

In view of your comments about the communities in which you operate and your commitment to your social responsibility towards them, I feel sure that you will

51
appreciate the serious nature of this situation, which appears to contravene your own policies.

We who live in the locality are considering every possible means to put a stop to this eyesore and significant nuisance and by writing to you in this way I am hoping that you will recognise the part you can play in helping us. Your comments would be appreciated and will be shared with the Community.

Yours sincerely

Frank Myers MBE
Vice Chairman
Walford Parish Council

**ADDITIONAL
INFORMATION
CONSIDERED BY THE
STANDARDS COMMITTEE
ON 27 MARCH 2009**

ASSISTANT CHIEF EXECUTIVE
LEGAL & DEMOCRATIC

9 MAR 2009

PASSED TO:

Simeon Cole

Orchard House
Coughton
Ross-on-Wye
Herefordshire.
HR9 5SF

8th March 2009

Mr Alan McLaughlin
Legal & Democratic Services
Brockington
Hereford

Dear Sir,

I am writing to you following your discussion with Cllrs Edwards, Matthews and Woodward on Friday 6th March relating to my complaint in respect of Cllr John Jarvis and Cllr Frank Myers.

Please find enclosed my concerns relating to the report due to go before the standards committee in the near future.

Thank you for your time concerning this matter and I look forward to your reply.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Simeon Cole', written over a horizontal line.

Mr Simeon Cole

Response to findings by Kevin O'Keefe regarding Cllr Frank Myers

Findings of Mr Kevin O'Keefe

- 5.7 Appendix 7 (letter from Jean Preece) headed 'Dear Neighbours' clearly states that she has been in correspondence with Cllr Frank Myers. The letter goes on to clearly state that we believe that these activities are being carried out without planning permission and that copies of letters sent to various organisations by Cllr Frank Myers are enclosed. It further says that we would like as much support as possible from the local community to dispense with this illegal 'business' and ask that if you would care to co-operate by writing to the companies mentioned. It also clearly states that we will keep you informed. One of the neighbours passed the letters onto me (Simeon Cole) that is how I knew about it.
- 6.2 In light of the above I cannot believe that you can find no evidence to say that these letters were not circulated within the Parish to members of the public. The letter in Appendix 7 clearly demonstrates that she did send them to neighbours and by using the word 'we' she clearly demonstrates that she had the support of Cllr Frank Myers to do this.
- **WPC meeting 12th March 2008** - It has to be assumed that Cllr Frank Myers and Cllr John Jarvis are closely linked regarding this Thorny Orchard issue as Cllr John Jarvis had obviously arrived at the meeting with several copies of a letter from Mr Stephen Holder (Development Control Planning Officer). Whilst Mr Holder has stated to Kevin O'Keefe that no pressure was placed on him to write this letter, Mr Chownes the developer is willing to swear under oath that that is not what he told him when he went to see him in his office in Ross on Wye.
- It was wrong for Vice-Chairman Cllr Frank Myers and Cllr Thomas to draft a letter aimed to be submitted to the authorities as this is clearly the role of the Parish Clerk.
- Appendix C – the planning report at this Parish council meeting on the 12th March 2008 clearly states that 'the clerk has not sent an official complaint regarding the Thorny Orchard site, but that an Enforcement Officer had written to say that all was OK – this was opinion was later changed in another letter. – why was a letter sent by the Enforcement Officer if no letter had been sent by the Parish Council, and why was that opinion later changed.

Simeon Coles Witness Statement (Appendix B)

- Para 20. Cllr John Jarvis delivered copies of a letter written by Stephen Holder direct to Walford Parish Council. This clearly implies that he had prior notice of the Thorny Orchard issue. The contents of this letter were made known to the members of the public present. This was 5 days before the letter was received by the owner Mr Chownes. The public clearly knew his business before he did.

- Para 28. If the informal meeting between the Parish Clerk, Chairman and Vice-Chairman Cllr Frank Myers with Andrew Ashcroft was deemed proper (despite no delegated authority from Walford Parish Council, evident in Walford Parish Council minutes) why was the follow up meeting cancelled by Mr Ashcroft? Why the need for a Herefordshire Council Director to become involved unless it became known that the Cabinet Member for Planning Policy was somehow directly involved.

Statement of Cllr Frank Myers (Appendix D)

- 1. Cllr Frank Myers clearly states that 'saw Simeon Cole on 3rd May and warned him then that I considered he had made serious and potentially libellous allegations against Cllr Jarvis.'
- 8. States countless complaints but only mentions by name Jean and Doug Preece – the same people that distributed copies of his letters.
- 11. Admits that the 'Code of Conduct states a prejudicial interest is one in which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest'. The letter from Mavis Allen (Appendix 1) clearly raises concerns.
- 12. Cllr Frank Myers clearly states the meeting held at the Thorny Orchard site was 'informal'. Yet in the minutes (appendix C) under planning enforcement matters it clearly states that 'WPC site meeting held>letter to HC>new pl application to follow. These minutes have been signed off as a true and accurate record by the chairman.
- 16. Cllr Frank Myers admits that it would not be appropriate to write such letters through the Parish Councillor using his position as a Parish Councillor.
- 17. Exercised his right to write as a citizen so why end letter as Vice-Chairman of Walford Parish Council.
- 18. Why does he believe that it was appropriate to inform the companies that he contacted that he was the Vice-Chairman of the Parish Council unless it was to add weight to the letters he had written in his private capacity?
- 22. He clearly states that he did not encourage anyone to distribute false information about activities at Orchard House. However in the email on the next page it says 'Dear Jean and Doug, These are the letters I mentioned earlier. You may consider sending something similar and getting others to do so.'
- 23. If other people had complained why did he only mention Jean and Doug Preece? As detailed above the email clearly encourages them to send something similar and encourage others to do the same.
- 24. Clearly admits that he did not object to the copying and distributing of his letters.

- 27. States that I have worked as a contractor on the estate where he lives – whilst this is true this has not occurred since May 2007.
- 28. Clearly admits that he stated that libel action could be a dangerous and expensive.

General comments:

- He clearly admits both he and Cllr John Jarvis held the view that what had been written about Cllr John Jarvis was libellous and the consequences could be serious and that there was a dialogue between us about libel action on the 20th May 2007.
- The fact that he clearly states that it must have been obvious by the end of July (a month after John Jarvis's extended deadline) that John Jarvis had decided to take no action.

Cllr Frank Myers fails to mention that his wife Anthea McIntyre was Cllr John Jarvis's election agent in May 2007. He also makes no mention in his declaration of Interests that he was elected as Chairman of the Hereford and South Hereford constituency of the Conservative Group.

From: McLaughlin, Alan
Sent: 26 March 2009 08:28
To: Donaldson, Heather
Cc: Hardy, Geoff; O'Keefe, Kevin
Subject: FW: Standards Board complaint Reference SC0802

Heather,

I attach an email received this morning this should be presented to the committee as part of its consideration to proceed.

Also the committee ought also to be informed of by Mr Simeon Cole. Whilst I appreciate the committee will not be determining this matter on the 27th March nevertheless they ought to be aware of these matters to consider if there is need for further clarification/investigation in light of the draft report they are considering.

Regards

Alan McLaughlin
Assistant Chief Executive - Legal and Democratic
Herefordshire Council
Brockington
35 Hafod Road
Hereford
HR1 1SH

Tel: (01432) 260200
Fax: (01432) 340189

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From: Frank Myers [mailto:Frank.Myers@mcp.co.uk]
Sent: 26 March 2009 01:46
To: McLaughlin, Alan
Cc: J Jarvis
Subject: Standards Board complaint Reference SC0802

Dear Mr McLaughlin

When I received the report, prepared by Kevin O'Keefe, to my surprise I was not told what would happen next nor whether I had a right to reply to it or be present when it would be considered.

I therefore sought the advice of my Ward Councillor, John Jarvis, and he has told me today that I am allowed to make representations to you.

I am extremely concerned that the report prepared by Mr O'Keefe was without any discussion with me. Mr O'Keefe failed to attend a meeting which had been arranged with me and delegated Sam Smith to attend. Whilst I acknowledge that she did her best in difficult circumstances, I was interviewed without being given sight of the evidence which had been filed against me and I had to make representations before I was given the file some months later.

It is clear that Mr O'Keefe has misunderstood, even though I have tried to correct errors by way of my previous written submission.

Fundamentally, in 6.1, he states that I chaired a meeting which dealt with a planning application. ***I did not do so.*** The Parish Council did not consider a planning application. We considered the failure of Herefordshire Council to deal with specific conditions relating to a previous planning permission.

Mr O'Keefe in making his comment about the views of 'a reasonable fair minded member of the public, seized of all the relevant facts' fails to take into account that all of the councillors present, ***including the complainant***, discussed conflict of interest at the start of the meeting. As a result two councillors withdrew and not one of the councillors, who are all well aware of where I live raised such an issue with me. What better description could be given to this group of people than reasonable fair minded members of the public seized of all the relevant facts?

Mr O'Keefe also fails to mention that he has considered that your own Planning Officer has confirmed that you, as an official body, do not consider that the location of where I live gives me a particular interest in the sites in question.

I also have to point out that Mr O'Keefe is clearly confused about matters relating to Orchard House and Thorny Orchard and I am concerned that he appears perhaps not to have visited these sites before reaching his conclusions, he most definitely has not visited the place where I live, despite my inviting him to do so.

On a fundamental note, it seems that Mr O'Keefe has determined that simply by the proximity of properties there is an automatic breach of the conflict of interest rules. My submission is that if such an automatic conclusion were meant to be drawn then the rules would clearly say so.

I should be grateful if you would bring these matters to the attention of the Standards Board.

Thank you.

Frank Myers

Frank Myers MBE
Wythall Estate
Walford
Ross on Wye
HR9 5SD
Tel: 01989 562688
Mob: 07785 252273

**DECISION NOTICE OF THE
STANDARDS COMMITTEE
ON 27 MARCH 2009**

DECISION NOTICE: FOR HEARING. CONFIDENTIAL

Reference SCO802

History

On 30th June, 2008 Herefordshire Council's Monitoring Officer received a complaint. The case was referred to Herefordshire Council's Standards Committee.

The Assessment Sub-Committee of the Standards Committee met on 28th July, 2008 and determined that the case should go for investigation locally.

The Monitoring Officer assigned the investigation to the Deputy Monitoring Officer. His report was completed on 2nd February 2009, some two working days over the recommended timescale of six months. The Standards Committee is satisfied as to the reasons for this slight delay, and that it has not prejudiced the conduct of this case in any way. The report concluded :

Finding that Councillor Myers has breached the Code of Conduct

I find that Councillor Myers did breach the Code of Conduct in the following respect:

- (a) I consider that Councillor Myers has breached the Code of Conduct by failing to declare his clear prejudicial interest in the meeting of 12th March 2008, by reason of his ownership of Wythall, a property within close proximity to the Complainant's address.
- (b) There is no compelling independent evidence to suggest abuse or a lack of respect by Councillor Myers in relation to his dealings with the Complainant. I do not find a breach of the Code of Conduct in respect of that allegation.
- (c) I do not consider that the letters written to Severn Trent plc or Laing O'Rourke amounted to a breach of the Code of Conduct."

On 27th March, 2009 the Standards Committee of the Council met to consider the report arising from the investigation of the complaint.

The Committee comprised:-

Robert Rogers (Independent Chairman), David Stevens (Independent Member), John Hardwick (Town and Parish Council representative), Councillor John Stone (Herefordshire Council representative) and Councillor Beris Williams (Herefordshire Council representative).

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Complaint

The Complainant, Simeon Cole, alleged that the subject member, Frank Myers M.B.E., a Member of Walford Parish Council:-

- a) failed to declare a prejudicial interest at a meeting of Walford Parish Council on 12th March, 2008 at which an item relating to Thorny Orchard was considered. Thorny Orchard is a property adjacent to the subject member's own property, Wythall. It was alleged that the proximity of the two properties meant that the subject member should have declared a prejudicial interest in respect of that item.
- b) wrote to companies concerned with the Thorny Orchard site, namely Laing O'Rourke, Enterprise plc and Severn Trent Water in misleading terms, and prompted neighbours to do the same, the result of which was that these companies ceased to use Thorny Orchard. This resulted in a loss of income to the complainant.
- c) orally harassed the complainant and his wife on several occasions, indicating his intention to close their business down at one location and stop development at another location owned by them.

Evidence Considered

1. The report of 2nd February, 2009 by the Deputy Monitoring Officer, and supporting documentation.
2. Further comments in writing submitted by the complainant on 8th March, 2009 and the comments of the subject member e-mailed on 26th March, 2009.

Findings

The Committee are satisfied that the subject member was a serving Councillor at the material times, and still is so.

In respect of the allegation that the subject member failed to declare a prejudicial interest in regard to the item concerning Thorny Orchard on 12th March, 2008 the Committee noted that by virtue of paragraph 8 of the Code of

Conduct applicable to Walford Parish Council, a personal interest includes the business of the Council where a decision in relation to that business might reasonably be regarded as affecting the subject member's wellbeing or financial position (paragraph 8(b)). Under paragraph 10 of the Code, a personal interest is a prejudicial interest where the interest in question is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the subject member's judgement of the public interest (paragraph 10(1)). The Committee also noted the effects of prejudicial interests contained in paragraph 12 of the Code (principally the requirement to withdraw, unless covered by a dispensation) .

The Committee considered that assessment of prejudicial interest should not be based on the contiguity or proximity of properties alone, but that other factors affecting the quality of life or amenity (in this case the movement of plant and equipment) may reasonably be taken into account.

The Committee noted that the complainant's further comments of 8th and 26th March did not bear directly on the issues in this case.

In respect of the allegation that the subject member's letters to the public utilities were in some way improper or misleading, the Committee noted that they were signed by the subject member with his title as Vice-Chairman of the Council, but on his personal headed writing-paper. The Committee noted the subject member's view that these letters were written in a personal capacity, but concluded that they were in practice written as a member and Vice-Chairman of Walford Parish Council. The Committee considered that these letters expressed firmly held views but that they did so in a restrained and proper fashion. The Committee did not identify any part of the letters as misleading, accepting that there might well have been personal differences of view between the complainant and the subject member over the issues raised therein.

The Committee considered the provisions of paragraph 6(a) of the Code (improper securing of advantage) and concluded that these were not engaged in this case.

In respect of the final allegation that the subject member orally abused or harassed the complainant and his wife, the Committee noted: the differing views of subject member and complainant; that, with the exception of the occasion on which the subject member delivered correspondence from the Herefordshire Council Ward Member, there was no reference to any oral exchanges between the parties; and no comments or behaviour cited in evidence that were readily identifiable as harassment. They had before them no corroborative evidence from the complainant with regard to the visits by the subject member to view the complainant's properties.

Decision

The Committee accepted the conclusions of the Report. The Committee did not think that it was necessary that the Adjudication Panel for England should hear this case.

In accordance with section 57A(2)(c) of the Local Government Act 2000 as amended, the Committee decided that no action should be taken in respect of the allegations at b) and c) under “Complaint” above.

In accordance with Regulation 17(1)(b) of the Standards Committee (England) Regulations 2008 a hearing is required to be held under Regulation 18 in respect of the allegation at a) above only.

This Decision Notice is sent to the person or persons making the allegation, the Member against whom the allegation was made and the Standards Board for England.

There is a right to request review of this decision, by virtue of section 57B of the Local Government Act 2000 as amended, exercisable within thirty days of the date of this Notice.

Signed Date

Chair of the Herefordshire Council Standards Committee