

ASSISTANT CHIEF EXECUTIVE  
LEGAL & DEMOCRATIC

9 MAR 2009

PASSED TO:

**Simeon Cole**

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

8<sup>th</sup> 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 6<sup>th</sup> 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', is 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 12<sup>th</sup> 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 12<sup>th</sup> 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 3<sup>rd</sup> 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 20<sup>th</sup> 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.