

STANDARDS COMMITTEE
4TH DECEMBER 2007
REPORT OF THE MONITORING OFFICER

MATTER REFERRED FOR LOCAL INVESTIGATION
CASE 172200.07 - MR ANDREW MACBEAN
FORMER MEMBER OF ORLESTONE PARISH COUNCIL

1. Under the Local Authorities (Code of Conduct) (Local Determination) (Amendment) Regulations 2004, Ethical Standards Officers of the Standards Board for England (SBE) may refer complaints of Councillor misconduct to the Council's Monitoring Officer for local investigation.
2. The above case was referred to me for local investigation and in July I appointed an external solicitor to conduct the investigation. At the time of the events referred to in the complaint, Mr MacBean was a parish councillor although he has subsequently resigned.
3. The Investigator's Final Report is attached to this report although I have not appended to it the investigator's notes of the various interviews undertaken. These will be available at the meeting should any member wish to see them. In relation to each of the allegations the findings of the investigator are that there was no failure to comply with the relevant Code of Conduct.
4. Since the Investigator's findings are that there has been no breach of the Code, there is no requirement to hold a formal hearing of the matter unless the Committee decide they are not prepared to accept the findings at this stage. Attached to this report is an extract from the agreed procedure (paragraph 5, The Final Report) which outlines the purpose of the current meeting and the options open to members. The full procedure note on local investigations is contained within the Constitution.
5. Members of the Standards Committee are requested to determine whether it accepts the Investigator's findings that there has been no failure to comply with the relevant Code of Conduct or whether the matter should be considered at a hearing of the Standards Committee.

5 The Final Report

- (a) After the expiry of that period (or such extended period as the Investigating Officer may allow), the Investigating Officer shall reconsider and amend his/her draft report in the light of any comments received, and produce and send to the Monitoring Officer his final report. The final report should state that the report represents the Investigating Officer's final findings and will be presented to the Standards Committee, and should have appended to it copies of any documents which the Investigating Officer has relied on in reaching his/her conclusions, such as background documents of telephone conversations, letters, and notes of interviews with witnesses;
- (b) The Monitoring Officer shall then send a copy of the final report to the Councillor, advising that:
- (i) where the final **report concludes that there has not been a failure to comply** with the Code of Conduct, he/she will refer the report to the Standards Committee for their consideration, and
 - (ii) where the final **report concludes that there has been a failure by** the Councillor to comply with the Code of Conduct, he/she will refer the report to the Standards Committee for a formal hearing.
- (c) The Monitoring Officer shall ensure that, when the agenda for the Standards Committee is sent out to members of the Standards Committee, including the final report, the agenda and the report are also sent to:
- (i) The person who made the complaint;
 - (ii) The Clerk to the Parish (if any); and
 - (iii) The Ethical Standards Officer
- together with a note explaining the circumstances under which the Standards Committee may conduct a hearing into the allegations, and the procedure for these events.
- (d) Where the Standards Committee considers the report in accordance with Paragraph 5(b)(i) above, it shall make one of the following findings:
- (i) That it accepts the Investigating Officer's finding that the Councillor has not failed to comply with the relevant Code of Conduct as set out in the allegation;
 - (ii) That the matter should be considered at a hearing of the Standards Committee, conducted in accordance with the authority's adopted Procedure for Local Determination Hearings.

NB: This is not a finding that there has been a failure to comply with the Code of Conduct, but simply that, on the basis of the Investigating Officer's report, the Standards Committee is not at this stage prepared to come to a final conclusion that there has been no such failure to comply, and that the matter merits consideration at a full hearing.

- (e) Where the Standards Committee finds as set out in Paragraph 5(d)(i) above (no failure to comply with the Code of Conduct), the Monitoring Officer shall, as soon as practicable thereafter, send a written notice of that finding and the reasons on which it was based, together with a copy of the Investigating Officer's report to
- (i) The Councillor;
 - (ii) The Ethical Standards Officer;
 - (iii) The Standards Committee, if the finding was made by a Sub-Committee of the Standards Committee;
 - (iv) The Standards Committee of any other local authority (other than a Parish Council) of which the Councillor is also a member
 - (v) The Parish Council, if the Councillor was also a member of a Parish Council, and
 - (vi) The person who made the allegation.

And shall ask the Councillor whether he objects to the publication of a notice of the finding in at least one local newspaper, and arrange for the publication of such a notice unless the Councillor so objects.

- (f) Where the Standards Committee finds as set out in Paragraph 5(d)(ii) above (that the matter should be considered at a full hearing) or the Investigating Officer's report contains a finding that the Councillor did fail to comply with the Code of Conduct, the Monitoring Officer shall arrange for the matter to be considered at such a hearing in accordance with the authority's adopted Procedure for Local Determination Hearings, subject to the following variations:
- (i) The hearing shall be conducted no sooner than 14 days from, and no later than 3 months from the date on which the Monitoring Officer received the final report of the Investigating Officer;
 - (ii) the report of the Investigating Officer shall be treated as if it constituted the report of the Ethical Standards Officer; and
 - (iii) the Investigating Officer shall be responsible for presenting the report to the Standards Committee and introducing any witnesses whom he considers that the Standards Committee should hear in order to be able to give the matter proper consideration.

SBE 172200.07

REPORT OF THE INVESTIGATOR

Complaint against Andrew MacBean

1. Background and Legislation

The Standards Board for England (“the Standards Board”) received a complaint from Martin Hollowday concerning the conduct of Andrew MacBean who was Chairman of Orlestone Parish Council at the time of the conduct complained of. The Standards Board rejected part of the complaint because it did not disclose a potential breach of the Code of Conduct and did not therefore fall within the jurisdiction of the Standards Board as set out in the Local Government Act 2000.

The Standards Board referred the remaining part of the complaint to Ashford Borough Council’s Monitoring Officer for local determination. The Monitoring Officer engaged the author to investigate the complaint and report back.

The matters for investigation fall into two parts:

- i) that at a planning meeting of the Parish Council on 1 February 2006 and at two undated planning meetings one prior to the meeting of 1 February 2006 and one afterwards he failed to declare a prejudicial interest in the matter under discussion which was a planning application made to Ashford Borough Council for development at the Hamstreet Surgery and;
- ii) that at the meeting of 1 February 2006 and the planning meeting prior to it he acted aggressively towards other members of the Council and specifically it is alleged that he shouted at two female Councillors two inches away from their faces, and on one occasion displayed body language that was intimidating as he jabbed his fingers on the application and acted in a generally hostile manner.

2. The Code of Conduct

The relevant Code of Conduct for the Orlestone Parish Council at the time of the allegations was the Model Code of Conduct for Parish Councils contained in the Parish Councils (Model Code of Conduct) Order 2001 (attached as appendix 1 to this report). It was adopted by the Parish Council. The relevant parts of the Code for the purposes of this complaint are;

“ **General obligations**

2. A member must –
(b) treat others with respect; “

and,

“ 7- (1) A member must regard himself as having a personal interest in any matter..... if a decision upon it might reasonably be regarded as affecting to a greater extent than any other council tax payers, ratepayers or inhabitants of the authority’s area, the well-being or financial position of himself, a relative or a friend or –

- (a) any employment or business carried on by such persons;**
- (b) any person who employs or has appointed such person, any firm in they are a partner, or any company of which they are directors;**
- (c) any corporate body in which such persons have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or**
- (d) any body listed in sub-paragraphs (a) to (e) of paragraph 13 below in which such a person holds a position of general control or management**

(2) in this paragraph –

- (a) “relative” means spouse, partner, parent. parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece or the spouse or partner of any of the preceding persons; and**
- (b) “partner”above means a member of a couple living together “**

and

(9)- (1) ...a member with a personal interest in a matter also has a prejudicial interest in that matter if 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 the member’s judgement of the public interest”

3.History and allegations

Orlestone Parish Council was consulted by Ashford Borough Council in late 2005 on the planning application relating to the extension at the Hamstreet Surgery , Ruckinge Road, Hamstreet . The members of the Parish Council at that time were Andrew MacBean (Chairman), George Sparks (Vice Chairman), Sebastian Barrow, Mandy Mount, Anita Hollowday (the wife of the complainant), Ian Kirkland, Keith Taylor, Paul Settle and David White. The Clerk at the time was Emily Neighbour. Andrew MacBean was re-elected in the Parish elections of May 2007 but resigned as a councillor after the elections. He is therefore no longer a Councillor.

In the course of my investigation I interviewed Martin Hollowday, Anita Hollowday, Andrew Mac Bean, Emily Neighbour, George Sparks, Sebastian Barrow, Mandy Mount and Ian Kirkland.

The allegations refer specifically to the meeting of 1 February 2006 and other undated meetings. Most of those interviewed could not remember the specific dates of the meetings but all were clear that they had attended a site visit and then a meeting indoors about the planning application. The records contained in minutes show that the site visit took place on 15 October 2005 and the meeting on 1 February 2006 in the Church Hall. I have confined my investigation to these two meetings as all those interviewed could remember what happened at these meetings. The minutes of both meetings are attached as appendix 2.

The records show that the councillors who attended both meetings were Andrew MacBean, George Sparks, Sebastian Barrow, Mandy Mount, Anita Hollowday, Ian Kirkland and Keith Taylor. Both meetings were clerked by Emily Neighbour. The record also shows that Andrew MacBean declared a personal interest at the meetings because he was Chair of the patient's users group at the surgery.

4. Evidence

Everybody I spoke to told me that the Surgery planning application was one of the most controversial matters that the Parish Council had dealt with and that feelings were running very high both by those who were in favour of the surgery extension and those who were against it. All Councillors (except for one) were patients at the surgery and some lived close to the site.

Martin Hollowday did not attend either of the meetings. Anita Hollowday said that at both meetings Andrew MacBean shouted two inches away from her face and also Mandy Mount's face. She said he was "prowling around" behind herself and Mandy Mount to intimidate them. She also says she feels he should have declared a prejudicial interest because he is friends with the Doctors at the surgery. She says this because they attended his wedding. Mandy Mount says that he shouted in her face but cannot remember what he shouted. Nobody intervened when this happened. She also says he acted aggressively at other meetings. She said she felt intimidated at the time and angry afterwards. She also felt he should have declared a prejudicial interest as he was friends with one of the doctors at the surgery. She says he did not declare an interest at all. She said that Councillors should not treat each other like that but did not put in a complaint herself because the planning application was an exceptionally touchy subject.

George Sparks, Sebastian Barrow and Ian Kirkland say that Andrew MacBean did not shout in the face of the two female councillors. They all said that the meetings became very heated and in particular feelings were running high at the site visit. They all say that Andrew MacBean's behaviour was not inappropriate. They said that he has an assertive

style that members of the Council were used to and that his conduct was no more aggressive than one might expect in debate over an exceptionally emotive issue. There was, they said, nothing personal in it. George Sparks said that the whole thing had been blown out of all proportion and that whilst Anita Hollowday and Mandy Mount were clearly unhappy they were not that bothered.

Andrew MacBean says that he can recall events at the site meetings but not other specific meetings. He declared a personal interest at all meetings when the matter was discussed. He says the application was highly controversial and that discussions were lively and became impassioned. He says he had strong views in favour of the application and expressed them. He denies shouting in the face of the two female councillors and also denies jabbing his fingers and acting aggressively. He says that he is not friends with the doctors. His wife worked at the surgery for 30 years and was now retired. His relationship with the doctors is one of patient/ doctor and they are acquaintances. He knows many people in the village and the doctors (as well as all Parish Councillors) were invited because of his wife's past connection. He says he does not see any of the doctors socially.

Emily Neighbour says that things got very heated at the site meeting on 15 October 2005. She had been clerk to the Parish Council for three years and had seen many meetings but that this matter was especially controversial. Mandy Mount and Anita Hollowday opposed the application. She said that Andrew MacBean would shout people down but that that was his style. She says that at the site meeting a councillor did shout very loudly at one of the two female councillors but that it was not Andrew MacBean. She said she does not know if Andrew MacBean was a friend of any of the doctors and pointed out that all the councillors except one used the surgery and many lived in "spitting distance of the application site". The site meeting did get very heated which is why it was reconvened to the 1 February. She said that Andrew MacBean's behaviour was not so aggressive that anybody leapt to their feet to intervene.

5. Findings

I find that the atmosphere at Parish Council meetings relating to the application was exceptionally highly charged and that members of the Council that attended the meeting had strongly held views on the proposals. Andrew MacBean was strongly in favour of the extension and Anita Hollowday and Mandy Mount were strongly opposed.

It is clear from all the people interviewed that debate became very heated but there is a conflict of evidence about whether or not he shouted 2 inches away from the faces of the two female councillors. Most of the people interviewed say that this did not happen.

I find that Andrew MacBean did raise his voice but did not shout 2 inches from the face of the female Councillors. I also find that whilst he raised his voice at the meetings this was no more than his usual style and that his behaviour was no more than one would expect in heated debate on such an emotive matter. I make this finding because the majority of those interviewed said that this was the case and also because nobody

intervened. The majority of those interviewed said that his behaviour was not inappropriate given the circumstances.

Andrew MacBean declared a personal interest at all meetings where the planning application was considered. The Code of Conduct applicable at the time does not define the word friend. I accept from him what he says and that the doctors were not friends of his and I do not think therefore that he had to declare a prejudicial interest.

I find therefore that there was no breach of the code of conduct.

Sarah Foster

Investigator

5 November 2007

STATUTORY INSTRUMENTS

2001 No. 3576

LOCAL GOVERNMENT, ENGLAND

The Parish Councils (Model Code of Conduct) Order 2001

<i>Made</i>	<i>5th November 2001</i>
<i>Laid before Parliament</i>	<i>6th November 2001</i>
<i>Coming into force</i>	<i>27th November 2001</i>

The Secretary of State for Transport, Local Government and the Regions, in exercise of the powers conferred upon him by sections 50(1) and (4), 81(2) and (3), and 105(2), (3) and (4) of the Local Government Act 2000[1], and of all other powers enabling him in that behalf, having carried out such consultation as is required by virtue of section 49 of that Act, and being satisfied that this Order is consistent with the principles for the time being specified in an order[2] under section 49 (1) of that Act, hereby makes the following Order:

Citation, commencement and application

1. - (1) This Order may be cited as the Parish Councils (Model Code of Conduct) Order 2001 and shall come into force on 27th November 2001

(2) This Order applies in relation to parish councils[3], and references to "authority" shall be construed accordingly.

Model code of conduct - parish councils

2. - (1) The Secretary of State hereby issues a model code as regards the conduct which is expected of members and co-opted members[4] of authorities and that code is set out in the Schedule to this Order

(2) All the provisions of the model code in the Schedule to this Order are mandatory[5].

Transitional provision

3. - (1) On the day an authority's code of conduct is adopted or applied[6] to it, the following shall, where applicable to the authority, be disapplied as respects that authority until 27th July 2002 -

(a) sections 94 to 98 and 105 of the Local Government Act 1972[7];

(b) any order made under section 83 of the Local Government Act 1972[8];

(c) any regulations made or code issued under sections 19 and 31 of the Local Government and Housing Act 1989[9];

(d) in section 17 of the Audit Commission Act 1998, subsections (1)(b), (3), (5)(b), (7) and (8) and in subsection (2), the words "subject to subsection (3)" and paragraphs (a) and (b) [10];

(e) section 18 of the Audit Commission Act 1998[11];

(2) Section 16(1) of the Interpretation Act 1978[12] shall apply to a disapplication under paragraph (1) above as if it were a repeal, by an Act, of an enactment.

Signed by authority of the Secretary of State for Transport, Local Government and the Regions

Nick Raynsford

Minister of State Department for Transport, Local Government and the Regions

5th November 2001

SCHEDULE

Article 2

THE MODEL CODE OF CONDUCT - PARISH COUNCILS

PART 1

GENERAL PROVISIONS

Scope

1. - (1) A member must observe the authority's code of conduct whenever he -

- (a) conducts the business of the authority;
- (b) conducts the business of the office to which he has been elected or appointed; or
- (c) acts as a representative of the authority,

and references to a member's official capacity shall be construed accordingly.

(2) An authority's code of conduct shall not, apart from paragraphs 4 and 5(a) below, have effect in relation to the activities of a member undertaken other than in an official capacity.

(3) Where a member acts as a representative of the authority -

- (a) on another relevant authority[13], he must, when acting for that other authority, comply with that other authority's code of conduct; or
- (b) on any other body, he must, when acting for that other body, comply with the authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject

(4) In this code -

(a) "member" includes a co-opted member of an authority; and

(b) "responsible authority" means a district council or a unitary county council which has functions in relation to the parish councils for which it is responsible under section 55(12) of the Local Government Act 2000.

General Obligations

2. A member must -

(a) promote equality by not discriminating unlawfully against any person;

(b) treat others with respect; and

(c) not do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the authority.

3. A member must not -

(a) disclose information given to him in confidence by anyone, or information acquired which he believes is of a confidential nature, without the consent of a person authorised to give it, or unless he is required by law to do so; nor

(b) prevent another person from gaining access to information to which that person is entitled by law.

4. A member must not in his official capacity, or any other circumstance, conduct himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute.

5. A member -

(a) must not in his official capacity, or any other circumstance, use his position as a member improperly to confer on or secure for himself or any other person, an advantage or disadvantage; and

(b) must, when using or authorising the use by others of the resources of the authority -

(i) act in accordance with the authority's requirements; and

(ii) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the authority or of the office to which the member has been elected or appointed

6. A member must, if he becomes aware of any conduct by another member which he reasonably believes involves a failure to comply with the authority's code of conduct, make a written allegation to that effect to the Standards Board for England as soon as it is practicable for him to do so.

PART 2

INTERESTS

Personal Interests

7. - (1) A member must regard himself as having a personal interest in any matter if the matter relates to an interest in respect of which notification must be given under paragraphs 12 and 13 below, or if a decision upon it might reasonably be regarded as affecting to a greater extent than other council tax payers, ratepayers, or inhabitants of the authority's area, the well-being or financial position of himself, a relative or a friend or -

(a) any employment or business carried on by such persons;

(b) any person 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 corporate body in which such persons have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or

(d) any body listed in sub-paragraphs (a) to (e) of paragraph 13 below in which such persons hold a position of general control or management

(2) In this paragraph -

(a) "relative" means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons; and

(b) "partner" in sub-paragraph (2)(a) above means a member of a couple who live together

Disclosure of Personal Interests

8. A member with a personal interest in a matter who attends a meeting of the authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent

Prejudicial Interests

9. - (1) Subject to sub-paragraph (2) below, a member with a personal interest in a matter also has a prejudicial interest in that matter if 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 the member's judgement of the public interest.

(2) A member may regard himself as not having a prejudicial interest in a matter if that matter relates to -

(a) another relevant authority of which he is a member;

(b) another public authority in which he holds a position of general control or management;

(c) a body to which he has been appointed or nominated by the authority as its representative;

(d) any functions of the authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992[14], where the member is in receipt of, or is entitled to the receipt of such pay from a relevant authority; and

(e) any functions of the authority in respect of an allowance or payment made under sections 173 to 173A and 175 to 176 of the Local Government Act 1972[15] or section 18 of the Local Government and Housing Act 1989[16].

Participation in Relation to Disclosed Interests

10. A member with a prejudicial interest in any matter must -

(a) withdraw from the room or chamber where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting, unless he has obtained a dispensation[17] from the standards committee of the responsible authority[18]; and

(b) not seek improperly to influence a decision about that matter.

11. For the purposes of this Part, "meeting" means any meeting of -

(a) the authority; or

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

PART 3

THE REGISTER OF MEMBERS' INTERESTS

Registration of Financial and Other Interests

12. Within 28 days of the provisions of an authority's code of conduct being adopted or applied to that authority or within 28 days of his election or appointment to office (if that is later), a member must register his financial interests in the authority's register maintained under section 81(1) of the Local Government Act 2000 by providing written notification to the monitoring officer of the responsible authority[19] of -

(a) any employment or business carried on by him;

(b) the name of the person who employs or has appointed him, the name of any firm in which he is a partner, and the name of any company for which he is a remunerated director;

(c) the name of any person, other than a relevant authority, who has made a payment to him in respect of his election or any expenses incurred by him in carrying out his duties;

(d) the name of any corporate body which has a place of business or land in the authority's area, and in which the member has a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;

(e) a description of any contract for goods, services or works made between the authority and himself or a firm in which he is a partner, a company of which he is a remunerated director, or a body of the description specified in sub-paragraph (d) above;

(f) the address or other description (sufficient to identify the location) of any land in which he has a beneficial interest and which is in the area of the authority;

(g) the address or other description (sufficient to identify the location) of any land where the landlord is the authority and the tenant is a firm in which he is a partner, a company of which he is a remunerated director, or a body of the description specified in sub-paragraph (d) above; and

(h) the address or other description (sufficient to identify the location) of any land in the authority's area in which he has a licence (alone or jointly with others) to occupy for 28 days or longer.

13. Within 28 days of the provisions of the authority's code of conduct being adopted or applied to that authority or within 28 days of his election or appointment to office (if that is later), a member must register his other interests in the authority's register maintained under section 81(1) of the Local Government Act 2000 by providing written notification to the monitoring officer of the responsible authority of his membership of or position of general control or management in any -

(a) body to which he has been appointed or nominated by the authority as its representative;

(b) public authority or body exercising functions of a public nature;

(c) company, industrial and provident society^[20], charity, or body directed to charitable purposes;

(d) body whose principal purposes include the influence of public opinion or policy; and

(e) trade union^[21] or professional association.

14. A member must within 28 days of becoming aware of any change to the interests specified under paragraphs 12 and 13 above, provide written notification to the monitoring officer of the responsible authority of that change

Registration of Gifts and Hospitality

15. A member must within 28 days of receiving any gift or hospitality over the value of £25, provide written notification to the monitoring officer of the responsible authority of the existence and nature of that gift or hospitality.

ORLESTONE PARISH COUNCIL

Planning Site Meeting of the Council held on 15th October 2005 at 10am

Present: George Sparks (in the Chair), Mandy Mount, Anita Hollowday, Ian Kirkland, Sebastian Barrow, Keith Taylor and Andrew MacBean, and the Clerk

Apologies for absence: Cllrs Paul Settle and David White.

Application No. 05/01495/AS Hamstreet Surgery, Ruckinge Road. Construction of a 2-storey extension to provide space for additional medical facilities and additional staff car parking.

Councillors met to look at plans for the proposed building in daylight.

After discussion and inspection of the plans it was agreed that the design of the proposed building was not suitable as it was not appropriate for the location. The bulk of the extension would abut directly against the Ruckinge Road which is one of the entrances to the village and would be overbearing, and take green space.

Cllr MacBean suggested that an extension using the roof-space on the existing building which currently has five different roof heights would tidy it up and provide almost as much space as would be provided by the proposed extension. Any more space if deemed necessary could perhaps be provided by a small single storey extension out the back. This new roof extension would allow the building to be made more sympathetic to the village and could include elements which comply with the Village Design Statement such as dormer windows and tile hanging to match other buildings in the area of the Village Green.

It was also agreed that the parking provision made in the plan of an additional three spaces did not seem to be adequate for the doubling of the floor-space planned. Concern was expressed about where space for additional parking would be found. If the rear of the surgery was not used for the extension there would be room for some spaces there, but access might be difficult.

There was not agreement about whether the principle of expansion of the surgery was supported. It appeared inevitable that on this matter the council would not be unanimously in favour.

It was agreed to hold a further planning meeting on this subject before the next full council meeting to ensure maximum attendance, and to allow members of the public to attend. The Clerk would draft a response to the consultation in three sections to be circulated before the meeting and it was hoped that support of at least two of these sections would be unanimous.

Meeting Closed 11am

Date of next meeting: Planning Meeting Friday 21st October at 7 30pm, Church Hall

Meeting Closed 8.40 pm

Date of next meeting: Monday 24th October at 7.30pm, Victory Hall

ORLESTONE PARISH COUNCIL

Planning Meeting of the Council held on 1st February 2006 at 7.30pm in the Church Hall

Present: George Sparks (in the Chair), Sebastian Barrow, Mandy Mount, Anita Hollowday, Ian Kirkland, Keith Taylor, Andrew MacBean and the Clerk.

Apologies for absence: Paul Settle and David White

Councillors' Interests

Cllr Kirkland declared a personal non-prejudicial interest as a non-voting member of the Ashford Primary Care Trust Executive Committee and its Health Centre Group, on both of which he represented Ashford Borough Council. He considered these interests to be non-prejudicial as this application was being made by the Hamstreet Surgery Practice and not by the Ashford Primary Care Trust.

Cllr MacBean declared a personal non-prejudicial interest as the Chair of the Hamstreet Surgery Patients Group

Amendments to Application No. 05/01495/AS Hamstreet Surgery, Ruckinge Road.
Construction of a 2-storey extension to provide space for additional medical facilities and additional staff car parking.

The Chairman explained that the meeting was to inspect the revised plans for the surgery extension, and also included a letter from the architect, which he read out to the meeting. It was referring to the concern raised by OPC and Highways about the existing parking capacity of the surgery and whether it would be sufficient for a surgery with double the floor area. He said in the letter that the surgery had held a clinic on a Saturday morning recently which 546 people attended, with no problems parking. Cllr Hollowday reported that she had heard quite the opposite from someone who had attended the clinic and described the traffic and car parking situation when she was there as "complete chaos".

The Chairman reminded councillors that OPC had objected to the original application on the grounds of the design, its proximity to Ruckinge Road, its overbearing nature, the loss of green space and a mature hedge; and that no attempt had been made to blend in or enhance the area in accordance with the Village Design Statement. It also had supported Highways' concerns about the adequacy of the parking provision.

It was noted that there had been no response from the surgery with regards to OPC's request for information about the planned uses for the new building.

Cllr Mount commented that she considered the new design was even more unacceptable than the original, the greater roof heights increasing its overbearing nature. As the size of the extension had remained the same she considered it as still too large for the site, and it would inevitably require more parking provision in the long term and greatly increase the

traffic in the area. She expressed her concern and sadness that it seemed inevitable that the extension would be allowed to the detriment of the village.

The Chairman answered her by pointing out that the government had said that "super-surgeries" were the answer and it was a choice for the village between this and potentially no surgery. He also reminded councillors that OPC had agreed at the monthly council meeting on 28th November 2005 that Andrew MacBean should write a letter to the Primary Care trust on behalf of OPC supporting the surgery and its plans in general terms. Cllrs Mount and Hollowday pointed out that they were not present at the meeting when that decision was taken.

Cllr Hollowday expressed her disappointment that the amended drawings showed no reduction in the size of the surgery. It still increased the footprint of the building, using green space right on the road very visibly at the entrance to the village. She would have preferred to see an extension, which made the whole building into two storeys and would not require the use of green space, and could have been used as an opportunity to improve the appearance of the existing building.

Cllr Kirkland said that he was not impressed by the amended plans, although the architect had obviously made some effort to blend the new extension with the village style. However, this resulted in the old surgery not matching the new extension.

AH said the extension on the back was too big.

Cllr Barrow said the new building would be much higher than the existing.

AH asked whether OPC would support this extension if it had been part of a private house.

MM said the only reason OPC were not totally opposed to the application was that they had been told that if it were turned down the existing surgery would be closed.

GS agreed that the proposed extension was still tight in the site but could not be considered as cramming.

IK said that from some angles the new building looked good but not when approached from Ruckinge. He believed the surgery wanted to maximise their ground floor space.

GS said that the roof-lights were not desirable and referred to the VDS.

AH asked would OPC be setting a dangerous precedent if they approved this extension?

GS said that it could be seen to be setting a precedent for other buildings of this nature in the village.

AH said the proposed extension was overbearing and involved the removal of green space and mature trees and a hedge.

Cllr Taylor said he thought the view coming down Ruckinge Hill was very ugly as it looked like the back of a building. Also, no information had been provided by the architect, of materials to be used in the construction.

GS commented that the drawings were an improvement on the previous set, but could be better. The extension did not blend in with the existing building. The whole effect could be more aesthetically pleasing.

SB said that he thought OPC could be criticized if it did not comment on this large, ugly building being built in such a prominent position in the village.

The Clerk pointed out that the original application for the extension to the surgery car park had been turned down partially on the basis of the removal of green space from an entrance to the village.

It was generally agreed that the planned extension would make the surgery too big for its plot and the effect of the presence of a surgery double the size of the existing one could be detrimental to the village in terms of visual impact (as detailed in the current proposal) and in terms of increased need for parking and traffic movements in the area.

It was agreed by four votes to two to make the following comments to Ashford Borough Council in response to the consultation on the amended plans:

Whilst the design of the new elements has improved in the amended drawings of the proposed extension OPC remains extremely concerned that the building is overlarge for the plot and the village.

However, if ABC is minded to approve the application OPC would strongly urge the following:

- 1/ That all the existing trees and the mature hedge are retained,*
- 2/ That the appearance of the gable end (east view, seen on entering the village from Ruckinge) is improved in accordance with the Village Design Statement. OPC would like to see any revised plans before ABC approves them;*
- 3/ That the roof lights are omitted in line with the Village Design Statement;*
- 4/ That the comments on parking are reiterated as in the previous response of OPC.*
- 5/ OPC request the opportunity to approve any materials, particularly colours of tiles and bricks, before any works commence.*
- 6/ OPC would like to remind ABC of their second reason for refusing the extension to the staff car park in their previous application (04/02117/AS) in January 2005: that "the loss of the grassed area would have a detrimental impact on the character of the area and would neither conserve nor enhance the entrance to the village and its special character". This reason still holds for the extension of the staff car park, which is part of*

this application, and OPC would like to point out that this statement (substituting green for grassed) could be equally applied to the extension in this application.

OPC makes these comments in the light of the fact that neither OPC nor apparently the local planning authorities have been given an explanation of the reasons why the extra space is required by the practice

It was agreed to send copies of this response to both borough councillors should they wish to attend any planning meetings.

Councillors Mandy Mount and Anita Hollowday asked that it be minuted that whilst they agreed with the comments made in the response to ABC they could not support the motion to approve them because OPC would not be stating in this response that it was objecting to the proposal. They both stated that they wished this to be kept in the version of the minutes printed in the parish magazine. Cllr Mount said she understood that parish councils were required to state whether they supported or objected to an application, and she would be taking advice on the matter.

Meeting Closed 8.50 pm

Date of next meeting: Monday 27th February at 7 30pm, Victory Hall