



## Standards Committee

Notice of a meeting, to be held in the Committee Room No. 1 (Fougères Room), Civic Centre, Tannery Lane, Ashford, Kent TN23 1PL on Monday 22<sup>nd</sup> December 2008 at 10.30 am

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The Members of this Committee are:-

Mrs C Vant (Chairman)  
Cllr. Mrs Hawes (Vice-Chairman)  
Cllrs. Mrs Blanford, Honey, Mrs Laughton, Wood

Independent Members:-

Mr J Dowsey, Mr M V T Sharpe

Parish Council Representatives:-

Ms J Adams, Mr R Butcher, Mr D Lyward

## Please Note the Starting Time

### Agenda

- |  | Page<br>Nos. |
|--|--------------|
| 1. <b>Apologies/Substitutes</b> – To receive Notification of Substitutes in accordance with Procedure Rule 1.2(iii)  |              |
| 2. <b>Declarations of Interest</b> - Declarations of Interest under the Code of Conduct adopted by the Council on the 24 <sup>th</sup> May 2007 relating to items on this agenda should be made here. The nature as well as the existence of any such interest must also be declared |              |
| 3. <b>Minutes</b> – To approve the Minutes of the Meeting of this Committee held on the 12 <sup>th</sup> December 2008   |              |

### Part I – For Decision

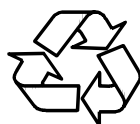
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| 4. Local Investigation and Determination Hearing Reference SBE19763.07 – Councillor Duncan Murray of Rolvenden Parish Council | 1 - 179 |
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### Part II – Monitoring/Information Items

None for this meeting

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Queries concerning this agenda? Please contact Keith Fearon:  
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**STANDARDS COMMITTEE  
22 DECEMBER 2008**

**LOCAL INVESTIGATION & DETERMINATION HEARING**

**REFERENCE SBE 19763.07 - CLLR DUNCAN MURRAY  
OF ROLVENDEN PARISH COUNCIL**

**REPORT OF THE MONITORING OFFICER**

**Introduction**

1. This case was referred to me for local investigation by the Standards Board's Ethical Standards Officer on 1<sup>st</sup> October 2007, pursuant to s.60(2) of the Local Government Act 2000. The investigation was undertaken on my behalf by an independent investigator. His report and the documents referred to therein are contained within the attached bundle together with other relevant documents. Hearings by Standards Committee must normally be held within 3 months of receipt of the final Investigator's report but in this case the investigator was unavailable to present the report between 20 November and 11 December 2008 and so a later date was arranged.
2. The Committee has adopted its own detailed procedure for determination hearings and a copy of this is attached within the Bundle. Members should read this carefully before the hearing.
3. The purpose of the Standards Committee hearing is to consider the Investigator's report and all other relevant information and representations and determine whether breaches of the Parish Council's Code of Conduct have occurred and if so what sanction (if any) should be applied in the circumstances. The procedure note sets out the options which would be available to members in the event the Committee finds a breach or breaches of the Code.

**Pre-Hearing Summary**

4. In accordance with the procedure adopted by the Committee, I have carried out the pre-hearing procedure in writing. It requires me to undertake enquiries of the parties in order to establish the likely extent of disagreement between them and facilitate the proper conduct of the hearing. The documentation on the pre-hearing procedure is also contained in the attached Bundle of documents.
5. The procedure requires me to summarise certain matters and I do so below under the relevant hearings.

**(a) The complaint**

The complainant has alleged that Cllr Duncan Murray failed to declare a prejudicial interest at and withdraw from a meeting of the Parish Council on 28 August 2007. The allegation centres around discussion and decisions at the Parish Council meeting in relation to a planning application for housing on a site known as Glebe Field in Rolvenden.

**(b) The Investigator's report and findings**

The Investigator's report concludes that Cllr Murray failed to comply with paragraph 8 of the Code (declaration of personal interests) at a meeting of the Parish Council on 28 August 2007, but did not fail to comply with paragraph 12 of the Code (participation in the case of prejudicial interests) because there was no prejudicial interest in the matter.

**(c) The pre-hearing enquiries**

Cllr. Murray's letter of 1<sup>st</sup> December 2008 and accompanying Forms A to E are included in the attached Bundle.

**(d) Key issues**

It appears to me that the key issues to be determined are

- Establishing the facts. In the present case many facts are agreed or not in dispute. However Cllr Murray's Forms A-E reveal disagreements in relation to representations of location and scale of maps/photographs and in particular:
  - the relevance of plots/elevations other than that in relation to Plot 10.
  - the nature of the photograph at M27 - Cllr Murray presents his own photographs.
  - the nature of the sketch submitted by the complainant as part of the complaint at M1 - Cllr Murray submits his own annotated plans.
  -
- To consider whether, on the facts, there was a breach of the Code as set out in the Investigator's report or otherwise
- Consider what sanctions are appropriate in the event breach is found, taking into account any representations made by the parties.

BUNDLE OF DOCUMENTS

1. Investigator's Report and documents attached thereto numbered M1 to M28.
2. Pre-Hearing Enquiries Reply from Mr Murray dated 1<sup>st</sup> December 2008
3. Procedure for Local Determination Hearings



SBE 19763.07

REPORT OF AN INVESTIGATION INTO AN ALLEGATION CONCERNING  
COUNCILLOR MURRAY OF ROLVENDEN PARISH COUNCIL

Tony Drew, Investigating Officer  
August 2008

## **Contents**

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2. Relevant legislation
3. Evidence and Investigating Officer's Consideration of the Facts
4. Reasoning
5. Finding

Appendix A - List of documents relied upon in the investigation report



## 1 Summary

- 1.1 The Standards Board for England received an allegation from Mr Edward Barham, dated 31 August 2007, that Councillor Duncan Murray of Rolvenden Parish Council ('the Council') may have failed to comply with the Council's Code of Conduct. On 13 September 2007 the Standards Board for England decided that the matter should be referred to the Monitoring Officer of Ashford Borough Council for investigation, in accordance with section 60(2) of the Local Government Act 2000. On 18 April 2008 I was appointed by the Monitoring Officer to carry out an investigation into the allegation.
- 1.2 Councillor Murray became a member of the Council in May 2007. Councillor Murray signed to agree to abide by the Council's Code of conduct on 15 May 2007.
- 1.3 Mr Edward Barham, the complainant, was formerly Chairman of the Council until May 2007.

### The allegation

- 1.4 The allegation concerns the meeting of the Council which took place on 28 August 2007, at which the Council considered the matter of Local Needs Housing and a planning application for the Glebe Field site following a successful appeal to the Planning Inspectorate. The complainant states that local people have strong views about the application with most of the objectors being those who live close to the site. It is stated that Councillor Murray lives very near the proposed site and that he was consulted by the planning authority at the time of the first application, because he is a neighbour.
- 1.5 It is alleged that despite being asked and specifically warned by the Chairman of the Council, Councillor Murray failed to declare any interest in the matter under discussion, remaining present throughout and voting on the matter. It is alleged that in doing so Councillor Murray blatantly declined to declare an obvious prejudicial interest because he wanted to stop the proposed development on a site near to his own property. (M1)

### Finding

- 1.6 I have considered whether Councillor Murray failed to comply with paragraphs 9 and 12 of the Council's Code of Conduct. I have concluded that Councillor Murray failed to comply with paragraph 9(1) but did not fail to comply with paragraphs 12(1)(a) and 12(1)(c) of the Code of Conduct.

## 2 Relevant Legislation

2.1 The Council adopted the Code of Conduct (2007) in May 2007.

2.2 The paragraphs of the Code of Conduct that are relevant to this investigation are set out below:

### ***“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—*

*(ix) any land in your authority's area in which you have a beneficial interest;*

*(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;*

*(iii) (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*

### ***Disclosure of personal interests***

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

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

### ***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;

#### **Effect of prejudicial interests on participation**

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

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

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

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

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

(b) you must not exercise executive functions in relation to that business; and

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

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

- 2.3 The Relevant Authorities (General Principles) Order 2001 (SI 2001 No. 1401) sets out the ten principles which are to govern the conduct of members as follows:

*"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."*

- 2.4 The Standards Board has produced guidance on personal and prejudicial interests in a factsheet published in October 2007. The following paragraphs are extracts from that guidance:

*"You have a personal interest in any business of your authority where it relates to or is likely to affect ... an interest that is not on the register but where the well-being or financial position of you, members of your family, or people with who you have a close association, is likely to be affected by the business of your authority more than it would affect the majority of ... inhabitants of the ward or electoral division affected by the decision.*

*You must declare that you have a personal interest and the nature of that interest as soon as it becomes apparent to you in all meetings before the matter is discussed*

*Your personal interest will also be a prejudicial interest if it meets all of the following conditions:*

*the matter affects your interests financially or a licensing or regulatory matter ... or a planning or licensing application made by you or a body on your register of interests.*

*A member of the public who knows the relevant facts, would reasonably think your personal interest so significant that it is likely to prejudice your judgement of the public interest.*

*Note: in order for your interest to be prejudicial, it must be a financial or regulatory matter."*

- 2.5 'The Code of Conduct – Guide for members', published by the Standards Board in May 2007 includes the following guidance:

*"The term 'well-being' can be described a condition of contentedness and happiness. Anything that could affect your quality of life, either positively or negatively, is likely to affect your well-being.*

*Example: 'you would have a prejudicial interest in a planning application proposal if a member of your family lives next to the proposed site. This is because your family member would be likely to be affected by the application to a greater extent than that the majority of the inhabitants of the ward affected by the decision and this gives you a personal interest in the issue.'*

2.6 The Standards Board's *Case Review 2007* provides further guidance as follows:

*"Q99 What does 'affect your financial position' mean?*

*This phrase should be broadly construed. A member's financial position can be affected directly or indirectly, favourably or unfavourably, substantially or marginally.*

*Q100 What does 'determining of any approval, consent, licence permission or registration mean?*

*Essentially this means making decisions about any regulatory issues like planning applications ...*

*Q101 what does 'relate to' mean in this context? This covers making decisions about applications made by or approvals sought by the member or one of their interests. However the provision is wider than that. It could cover consideration, as a consultee, of a decision to be made by another body or person, for example where a parish council is consulted about a planning application by the local planning authority and a member of the parish council has made the planning application."*

### **3 Evidence and Investigating Officer's Consideration of the Facts**

3.1 I have considered evidence from the following people:

Mr Edward Barham, complainant - telephone interview on 6 June 2008

Councillor Duncan Murray, member of the Council - interview at his home on 16 June 2008

Councillor Brian Hindley, member of the Council - interview on 16 June 2008

Councillor Michael Hook, member of the Council - telephone interview on 6 June 2008

Councillor John Wilkins, Chairman of the Council - telephone interview on 6 June 2008

Mrs Jacqueline Serra, clerk to the Council - telephone interview on 6 June 2008

Councillor Hutchinson, member of Ashford District Council - telephone interview on 4 August 2008

- 3.2 I have considered documentary evidence provided by the monitoring officer of Ashford Borough Council, by Mrs Serra, Mr Barham, Councillor Murray, Councillor Hook and by the Planning and Development Unit of Ashford Borough Council.
- 3.3 I have contacted the Standards Board for England (SBE) to request clarification of the SBE's published guidance in relation to personal and prejudicial interests and its interpretation of paragraph 10(2)(b) of the Code of Conduct.
- 3.4 I have examined copies of the minutes of relevant Council meetings and correspondence. A list of relevant documents reviewed is attached at Appendix A.
- 3.5 I carried out a site visit in order to view the location of the development site in relation to Councillor Murray's home.
- 3.6 Information in this section of the investigation report is based upon documentary evidence or evidence from signed interview records. Much of the information is uncontroversial and not disputed. However, where it reflects personal opinions or an individual's perspective I have specified the source (e.g. *Councillor Murray says ...*).

Background to the application for a housing development on the Glebe field site.

- 3.7 The need for affordable housing for local people is a longstanding concern in the locality. In 2001 the Parish Council formed a steering committee with a view to formulating proposals to address local needs housing. In 2004 the Council carried out a housing needs survey and nine sites were evaluated. A proposal was formulated by the English Rural Housing Association (ERHA) for a development consisting of ten affordable dwellings on land east of Moneyppenny, Maytham Road, Rolvenden. The site in question is a field used for pasture and is referred to in this report as the 'Glebe Field site'. (M2)
- 3.8 In May 2006 a community consultation exercise was undertaken at Moneyppenny by ERHA, followed by a village information and consultation event on 6 July 2006 attended by more than 300 people. There was considerable strength of feeling amongst Moneyppenny residents, some of whom sat outside the venue protesting with placards. ERHA's analysis of comment forms from 170 people revealed that 92 were in favour of the proposals, 23 supported it in principle but had concerns about access through Moneyppenny, and 45 were opposed to the scheme. (M2)

- 3.9 Initial proposals for access to the Glebe field site from Maytham Road were in some doubt while surveys of traffic and sight lines were undertaken. By the time the planning application was submitted by ERHA in 2006, Maytham Road access had been ruled out, and access via Money Penny was considered to be the only viable option. The Parish Council supported the application. (M2, M3)
- 3.10 Money Penny is a sheltered housing development of some 30 houses with predominantly elderly residents, some of whom are in their 90s. Money Penny is a cul de sac with no through traffic. It is a quiet environment on the edge of the village, bordered to the east by Glebe Field.
- 3.11 The planning application for ten houses on the Glebe Field site was registered with Ashford Borough Council on 8 September 2006 and re-registered on 13 October 2006. On 13 December 2006 Ashford Borough Council's planning committee refused planning permission because of its view that additional traffic and pedestrian movements would be detrimental to Money Penny residents, and because the scale, location and design of the development would detract from the character of the High Weald Area of Outstanding Natural Beauty, and would detract from the character of Money Penny. EHRA appealed on 3 April 2007 and the planning committee's decision was overturned by the Planning Inspectorate on 14 August 2007. (M4)

#### Notification of the planning application

- 3.12 Ashford Borough Council's policy is to extend the area for notifying local residents of planning applications beyond the statutory minimum requirement to serve notice on adjoining owners and occupiers. A list and a plan showing the location of addresses to which notification letters were sent has been provided by the Borough Council Planning and Development Unit. Councillor Murray's address is one of those listed as having been sent a notification letter of the planning application for the Glebe Field site on 19 September 2006. Councillor Murray was also notified of the appeal to the Planning Inspectorate by letter on 12 April 2007. (M4, M5, M6, M7)

#### Councillor Murray's response to the Glebe Field proposals before May 2007

- 3.13 Councillor Murray says he first heard about proposals for local needs housing on the Glebe field site in approximately 2004, before he became a councillor. He was concerned about the proposals because of his own views about their unsuitability. He was also aware that Money Penny residents were very much opposed to the development. Councillor Murray says he was approached by neighbours who were



aware of his background and skills as a chartered civil engineer with experience of highways and planning matters, who asked for his help in opposing the development. (M3)

- 3.14 Councillor Murray decided to become involved in campaigning against the development. He liaised with two neighbours in asking questions to establish the views of the Money Penny residents, whom he was aware were opposed to the development. Following a meeting between the developers and Money Penny residents, the Money Penny residents were left with a number of concerns about the scheme, and Councillor Murray received feedback about these concerns. One effect on the Money Penny residents would be an increase in traffic movements through Money Penny. Councillor Murray estimates there are perhaps 20-40 traffic movements per day involving local residents, visitors, community nurses etc. This would be multiplied many times by the new scheme. Some Money Penny residents were also opposed to having younger people with families, and with children using bikes, in such proximity. Councillor Murray said the building would also be 'in their faces' where they currently look onto countryside, although he says he considers that is not so important. (M3)
- 3.15 Because of his concerns about the scheme Councillor Murray started attending Parish Council meetings on a regular basis about three to four years ago. He also researched alternative sites for a local needs housing scheme and produced a paper which he says he sent to the local vicar and publican amongst others. His paper gave information about alternative sites, listing 5 'preferred sites' and another 5 'unsuitable sites' including Glebe Field. Councillor Murray's paper listed the arguments against the site in terms of the disturbance and traffic danger to Money Penny residents, and removal of the peace and tranquility of the Money Penny estate. He later wrote to members of the Borough Council about the proposed development. (M8)
- 3.16 The Parish Council decided to support the development on the Glebe Field site, having researched alternatives which turned out not to be viable because of ownership issues. Councillor Murray thinks he was probably seen by members of the Parish Council as being a nuisance. (M3)
- 3.17 Councillor Murray says that access to the proposed development through Money Penny was 'on and off' several times. Following various surveys it became apparent that Money Penny was the only viable access option for that site. (M3)
- 3.18 At interview, Councillor Murray gave his view that the Glebe Field site was unsuitable for the development because it is 'a special corner of the village' and the development would change the existing character of

the area, and because it is next to the Moneypenny sheltered housing scheme. He described the open fields as contributing to the character of the locality as a sanctuary and a very quiet area. He considers this is important for the elderly residents of Moneypenny whose sheltered housing is and should be a haven. (M3)

3.19 Councillor Murray says he recognises the need for low cost housing for local people, which is a national problem affecting the South East particularly. (M3)

3.20 Councillor Murray says he could not remember whether or not he had been sent notification of the planning application by the Borough Council. He was in any case very aware of the proposals so would not have taken particular note of such a letter. (M3)

3.21 Councillor Murray says there was growing unrest amongst some parish councillors about the scheme, as they became more aware of the concerns of Moneypenny residents, some of whom started attending Council meetings in some numbers. It was, however, a majority decision of the Council to support it. (M3)

3.22 Councillor Murray made written representation to Ashford Borough Councillors, and to the Borough Council Planning and Development Unit, as a member of the public. On 4 October 2006 he sent an email to the Planning and Development Unit objecting to the proposal to build the development on Glebe Field, and especially to the access via Moneypenny. In his submission Councilor Murray stated that he was in favour of affordable housing, but not on the Glebe Field site. He commented upon:

- the need for Moneypenny residents to retain their quiet location;
- the need for speed controls and crossing points in the access road;
- the rear planting strip should include a fence to prevent gardens encroaching onto *'the sensitive land adjacent'*;
- the need for more detail regarding materials and finishes in view of *'the obvious sensitivity of this location'*;
- reduction of the ridge heights by choice of the most appropriate roof tiles;
- *'A condition should be imposed that the development cannot be extended into the field beyond at any future time. This area should be kept as a field for sheep to maintain the rural aspect, or as much as*

*would remain at this important viewpoint when approaching Rolvenden.'* (M9)

- 3.23 The planning application was turned down by the Borough Council but went to appeal. Councillor Murray made representations to the Planning Inspectorate. The Planning Inspectorate overturned the Borough Council's decision on 14 August 2007. (M10)
- 3.24 Councillor Murray made a last minute decision to contest the May 2007 Parish Council elections so that he could speak on the matter from inside rather than outside the Council. Council elections tended not to have been contested in the past, and Councillor Murray considered that a contested election would be good for the village. He produced an election leaflet setting out his views about the housing scheme. Councillor Murray received a lot of support. He was duly elected and some existing councillors were voted off including two who were regarded as particular supporters of the Glebe Field scheme. (M3)

Council meeting on 15 May 2007

- 3.25 Councillor Murray made a statement about the Glebe Field site at the Council meeting on 15 May 2007 (the first meeting he attended as a councillor) and he contributed to discussion on the matter. His statement was misunderstood by the clerk, who thought he was declaring an interest as a neighbour and she recorded in the draft minutes that he had declared a personal/prejudicial interest. Following receipt of the draft minutes, Councillor Murray sent an email to the clerk on 28 May 2007 clarifying that he had stated that he did not have an interest, and that *'this was for clarity only, as most people are aware of my campaign against the use of the Glebe Field access through Moneypenny and there may have been some uncertainty. I do NOT have a personal or prejudicial interest in the Moneypenny, affordable housing issue. I am not a neighbour, being a whole field away from the proposed site. I have no personal or professional interest with the residents or with the potential development.'* The clerk accepted that she had misunderstood Councillor Murray's comments. At the next Council meeting on 19 June 2007 it was agreed that the relevant sentence in the May 2007 meeting minutes be deleted. (M11, M12, M13, M14)
- 3.26 With the change in the composition of the Council, it was apparent that the new Council might take a different view of the Glebe Field proposals to the previous Council, but this was not put to any vote until the August 2007 Council meeting.

Council meeting on 28 August 2007

- 3.27 Councillor Murray said that before the August 2007 Council meeting he thought it likely that the question of personal interests for councillors might arise in relation to the Glebe Field development, but that he had made his position clear at previous meetings, that he did not consider he had any personal interest. (M3)
- 3.28 At the Council meeting on 28 August 2007, 19 members of the public attended, the majority of whom were interested in the decision of the Planning Inspectorate on 14 August 2007 to overturn the Borough Council planning committee's decision, and to approve the application for development of the Glebe Field site with access through Money Penny. The minutes of the meeting indicate that the Chairman invited councillors to comment, after which the meeting was adjourned for local residents to have their say, and a lengthy discussion ensued. When the Chairman resumed the Council meeting, Councillor Hindley proposed a motion that *'this new parish council no longer accepts that access for the Local Needs Housing Project should be put through Money Penny.'* (M15)
- 3.29 At some point during the proceedings Mr Barham spoke from the floor, expressing his view that some members had an interest in the matter of the Glebe Field development and should declare their interest. Before the vote was taken on Councillor Hindley's proposal, the Chairman asked members to declare whether or not they had an interest and suggested that they might be considered to have an interest if they had received notification from the planning authority because of the proximity of their property to the site. In response to this, Councillor Murray stated that that he did not recall whether he had received a letter but that did not matter and he did not have a personal interest. No-one else declared an interest. Councillor Hindley's proposal was then voted upon and carried by five votes to four. Councillor Murray voted for the motion. (M3, M15, M16)

The Council's approach to the question of personal / prejudicial interests, and advice sought

- 3.30 Mr Barham, who was Chairman of the Council from 1999 to May 2007, said that councillors had always done their best to abide by the Code of Conduct in relation to personal and prejudicial interests, and he thought that members had a good understanding of the issues. (M17)
- 3.31 Councillor Murray considers he has a good understanding of the Code in relation to personal and prejudicial interests and has researched the subject on the web. He thought he probably knew more about it than others on the Council and had not considered it necessary to approach

- anyone else for advice. It did not enter his mind to seek any advice from the Borough Council or the Kent Association of Local Councils although he had spoken to friends in the village who agreed with him that he did not have a personal interest. Councillor Murray added that he could not recall precisely but thinks he asked Councillor Hutchinson of Ashford Borough Council to confirm his position.
- 3.32 Councillor Murray has not received training on the Code of Conduct. Councillor Murray observed that members of the Council were generally poor at understanding personal and prejudicial interests and the Code had not always been observed rigorously, although not generally through any intention to act improperly; Councillor Murray identified Councillor Hindley as the only member who had challenged this in the past. (M3)
- 3.33 Councillor Hindley and the clerk attended a training course in 2007 during which there was a session on the Code of Conduct with practical interpretation exercises. Councillor Hindley's view was that other members of the Council probably did not have a good understanding of personal and prejudicial interests. (M18)
- 3.34 Councillor Wilkins, the Chairman of the Council, said that he considered members to have an awareness of issues relating to personal and prejudicial interests and planning matters, but he was not sure that awareness constituted a good or full understanding. After the August 2007 Council meeting Councillor Wilkins telephoned Terry Mortimer, Monitoring Officer, for advice on the question of whether members who had been consulted by the planning department would be considered to have a personal interest. Mr Mortimer confirmed his advice in a letter to Councillor Wilkins dated 27 September 2007 in which he gave his view that being on a planning application consultation list did not necessarily mean there was a prejudicial and/or personal interest. Mr Mortimer advised that any assessment of the existence of a personal interest would need to take account of the relationship between the site and the councillor's home including factors such as distance, intervening land use and topography. (M16, M19, M20)
- 3.35 After receiving the draft minutes of the August meeting, Councillor Murray sent an email to the clerk asking her to make the following addition to the minutes because he considered the record was incomplete and he wanted to make his position absolutely clear: *'I stated that I did not recall whether I had received (formal notice of the planning application) but may have had, but that I did not believe that the location my house or my circumstances were significant, and that, in my opinion, I do not have a personal interest in the matter.'* This amendment was approved at the September Council meeting. (M21, M22)

The relationship between Councillor Murray's home and the Glebe Field site.

- 3.36 Councillor Murray lives at the White House, Maytham Road, a single storey house which is adjacent to a field to the North which is in turn adjacent to another field, referred to in this report as Glebe Field and which is the site of the proposed development.
- 3.37 Councillor Murray estimates that the White House is approximately 80 yards from the boundary of the Glebe Field site. Councillor Murray says the development would have no significant impact upon his property and that there would be very little effect on the view from his property. He says that a two storey gable end of one of the proposed new houses would be visible from the White House. Councillor Murray said his house would not be overlooked because of the hedges. He says there are three windows on the side of the White House facing Glebe field, all on the ground floor as it is a single storey building. The house is also about two feet below the ground level in the adjoining field. Councillor Murray also has a hedge on that side which he says is capable of screening the view, although he has allowed it to die down in places. Councillor Murray said there would be no issue about noise from the development because of the distance. In addition the planning application shows more planting which would help to absorb any noise. He said there would be very little impact on traffic in Maytham Road as few people drive down Maytham Road past his house. Councillor Murray says that his house is next to the Rolvenden Club which often produces noise and disturbance and which effectively caps the value of his property. (M3)
- 3.38 Councillor Murray said that he was absolutely clear that he did not have a prejudicial interest. He had read through the Standards Board's guidance in detail, and cited guidance which included: *'in order for your interest to be prejudicial it must be a financial or regulatory matter.'* He was aware that there were grey areas, but an example given in the guidance of a personal interest referred to a person living being *'next to'* a site; Councillor Murray said that if the guidance had meant to include people living *'near to'* a site that would have been stated. He was 90% sure he did not have a personal interest, or more like 99% sure. He believes the development would have no impact on the value of his property. Councillor Murray pointed out that his property is immediately next to the Rolvenden Club which is a licensed club which creates disturbance and noise and which effectively puts a cap on the value of his house. In this context he believes that a housing development a whole field distant would not affect the value of his property at all. (M3)
- 3.39 Other witnesses were asked for their perceptions about the relationship between Councillor Murray's home and the Glebe Field site, and the

question of whether he had a personal / prejudicial interest. Councillor Wilkins thought Councillor Murray did not want the development sited near his house where he would be able to see it. On the basis that Councillor Murray was consulted by the planning authority and because of the proximity of his house to the site, Councillor Wilkins firmly believed that Councillor Murray had a personal and prejudicial interest and should have declared it. The clerk thought the Glebe Field development might have some impact on Councillor Murray's property but she was not sure how much impact it might have. She said his house was on the main road. Councillor Hook did not wish to comment on the matter. (M6, M23, M24)

3.40 The proposed development in the Glebe Field site consists of 10 dwellings located to the South and West of the site in order to reduce the visual impact of the development from Maytham Road. Documentary evidence of the location includes the following:

- A map of the area, provided by the Planning and Development Unit and based upon an Ordnance Survey map. (M6)
- A plan provided by the Planning and Development Unit, produced by the developers, showing the location of buildings within the site. (M25)
- Drawings of the elevations of the buildings provided by the Planning and Development Unit, produced by the developers. The drawing titled 'Plot 10, South Elevation' shows the building which would be closest to Councillor Murray's property and visible from it. The drawing titled 'Plot 1, Plot 2, and Plots 3 & 4, South Elevation' shows buildings which might also be visible from Councillor Murray's property although more distant. (M26)
- Photographs of the north side of Councillor Murray's house, taken by the investigator, from a position in the Glebe Field site close to the location of the proposed building on Plot 10. (M27)

3.41 I carried out a site visit and made the following observations. I agree with Councillor Murray's estimate that his house is approximately 80 yards from the site of the proposed development. The development would be visible from the north side of Councillor Murray's house across the intervening field. Councillor Murray's house is visible from the Glebe Field site. It would be possible for Councillor Murray to screen the view of the development from his house, and vice versa, by growing a hedge on the north boundary of his property; if he did so the outlook from the windows on that side of his house, which currently look onto a field with a view of Glebe Field beyond, would be obscured.

## 4 Reasoning

### Paragraph 9 of the Code of Conduct

- 4.1 I have considered whether Councillor Murray failed to comply with paragraph 9 of the Code of Conduct. I accept that Councillor Murray has genuine concern for the residents of Money Penny who would be affected by the development. However, the issue to be determined is the effect of the development on Councillor Murray or on members of his family. Councillor Murray has referred to the area in which he lives as a special corner of the village, the character of which, with its open fields, would be changed by the development. It is evident that the view from Councillor Murray's property would be directly affected by the proposed development in Glebe Field.
- 4.2 I note that Councillor Murray has stated that there would be '*no significant impact*' upon his property and that there would be '*very little effect*' on the view from his property. From the evidence I have seen I consider the effect would be such as to cause Councillor Murray some concern on his own account about the appearance of the development, the loss of quality of the view from his property, and possibly the need to grow a hedge to screen the altered view. I therefore consider that his well-being and that of members of his family residing in his house, would be affected to a greater extent than the majority of other council tax payers in the ward. I consider that Councillor Murray thus had a personal interest, and he should have declared it in accordance with paragraph 9 of the Code of Conduct.
- 4.3 In response to the draft investigation report, Councillor Murray made the point that determining whether there is a personal interest is not clear cut but a matter of opinion. He is of course correct.

### Paragraph 12 of the Code of Conduct

- 4.4 I have also considered whether Councillor Murray failed to comply with paragraph 12 of the Code of Conduct. The first issue to be determined is whether Councillor Murray's personal interest falls into one of two categories, namely (1) his personal interest affected his financial interest, or (2) it related to a regulatory matter within the terms of paragraph 10(2)(b) of the Code. If his personal interest falls into one of those two categories a further test then needs to be applied as to whether his personal interest was so significant as to prejudice his judgement of the public interest.
- 4.5 In the context of the distance of his house from Glebe Field, and the impact of the next-door Rolvenden Club, I am not persuaded that the



proposed development would have any discernable effect upon the value of Councillor Murray's property.

- 4.6 The question of whether the matter related to a regulatory matter within the terms of paragraph 10(2)(b) is not straightforward. It is clear that a planning application is a regulatory matter. It might be thought, from a reading of the Standards Board for England 'Guidance for members on the Code', published on its website, that a planning application made by somebody else which affects a member might potentially lead to a prejudicial interest. However, in response to the investigator's enquiry the Standards Board has clarified its current interpretation of paragraph 10(2)(b) of the Code as follows:

*'The Standards Board has interpreted 'in relation to' in this paragraph to mean that either the subject member or person or body described in paragraph 8 must be the applicant for the approval, consent, licence, permission or registration being obtained.'*

- 4.7 If the Standards Board's interpretation is applied, then because Councillor Murray was not the applicant in relation to the planning application (and neither was the applicant a relative or close associate or a body that Councillor Murray represents) it follows that the conditions under 10(2)(b) for the matter to be considered a relevant regulatory matter are not met. If Councillor Murray's personal interest was neither one which affected his financial position nor was a relevant regulatory matter, then it cannot have been a prejudicial interest. It is thus not necessary to consider whether or not his interest would be likely to prejudice his judgement of the public interest.
- 4.8 I consider that it was Councillor Murray's responsibility, if he did not fully understand the requirements of the Code of Conduct, to seek expert advice for example from the Monitoring Officer or from the Kent Association of Local Councils. I do not consider that relying upon the opinion of friends or others in the village is likely to be adequate unless those concerned have a good understanding of the specific requirements of the 2007 Code of Conduct.
- 4.9 I consider that there are mitigating factors in that Councillor Murray was a relatively new councillor, he was open about his position as an opponent of the proposed development, the location of his home was known to other members, and there was nothing covert about his actions. The extent of Councillor Murray's breach of the Code of Conduct is limited to his failure to declare a personal interest. Given that his interest was not prejudicial he would have been entitled, having declared his personal interest, to speak and vote on the matter.

## **5 Finding**

- 5.1 I have considered whether Councillor Murray failed to comply with paragraphs 9 and 12 of the Council's Code of Conduct. I have concluded that Councillor Murray failed to comply with paragraph 9(1) but that he did not fail to comply with paragraphs 12(1)(a) and 12(1)(c) of the Code of Conduct.

TONY DREW  
INVESTIGATING OFFICER

## **APPENDIX A - List of documents relied upon in the investigation report**

- M1 Mr Barham's complaint to SBE, 31/08/07
- M2 Supporting information for planning application, ERHA August 2006
- M3 Interview Record and additional statement, Councillor Murray
- M4 Letter from Ashford Borough Council Planning and Development Unit, 18 June 2008
- M5 List of addresses to which notification of planning application was sent in 2006 (provided by ABC)
- M6 Plan showing 'neighbours consulted' provide by ABC
- M7 Letter sent to consultees by ABC, 19 September 2006
- M8 Paper produced by Cllr Murray in 2004 regarding local needs housing
- M9 Email from Cllr Murray to ABC, 4 October 2006
- M10 Cllr Murray's written submission to the Planning Inspectorate, 10 May 2007
- M11 Draft minutes of Parish Council Meeting on 15 May 2007
- M12 Email from Cllr Murray to Mrs Serra, 28 May 2007
- M13 Corrected minutes of Parish Council Meeting on 15 May 2007
- M14 Minutes of Parish Council Meeting on 19 June 2007
- M15 Minutes of Parish Council Meeting on 28 August 2007
- M16 Interview Record, Cllr Wilkins
- M17 Interview Record, Mr Barham
- M18 Interview Record, Cllr Hindley
- M19 Letter from Cllr Wilkins to Mr Mortimer, 26 September 2007
- M20 Letter from Mr Mortimer to Cllr Wilkins, 27 September 2007
- M21 Email from Cllr Murray to Mrs Serra, 17 September 2007

- M22 Minutes of Parish Council Meeting on 18 September 2007
- M23 Interview Record, Mrs Serra, clerk
- M24 Interview Record, Cllr Hook
- M25 Plan of proposed development on Glebe Field, ERHA
- M26 Elevations of proposed development
- M27 Photographs of Cllr Hindley's house taken from the Glebe Field site
- M28 Letter from Cllr Murray to Tony Drew, 27 April 2008



# complaint form



## WHAT ARE YOU COMPLAINING ABOUT?

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 statement and plan.

## 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 attached form and return it to us.

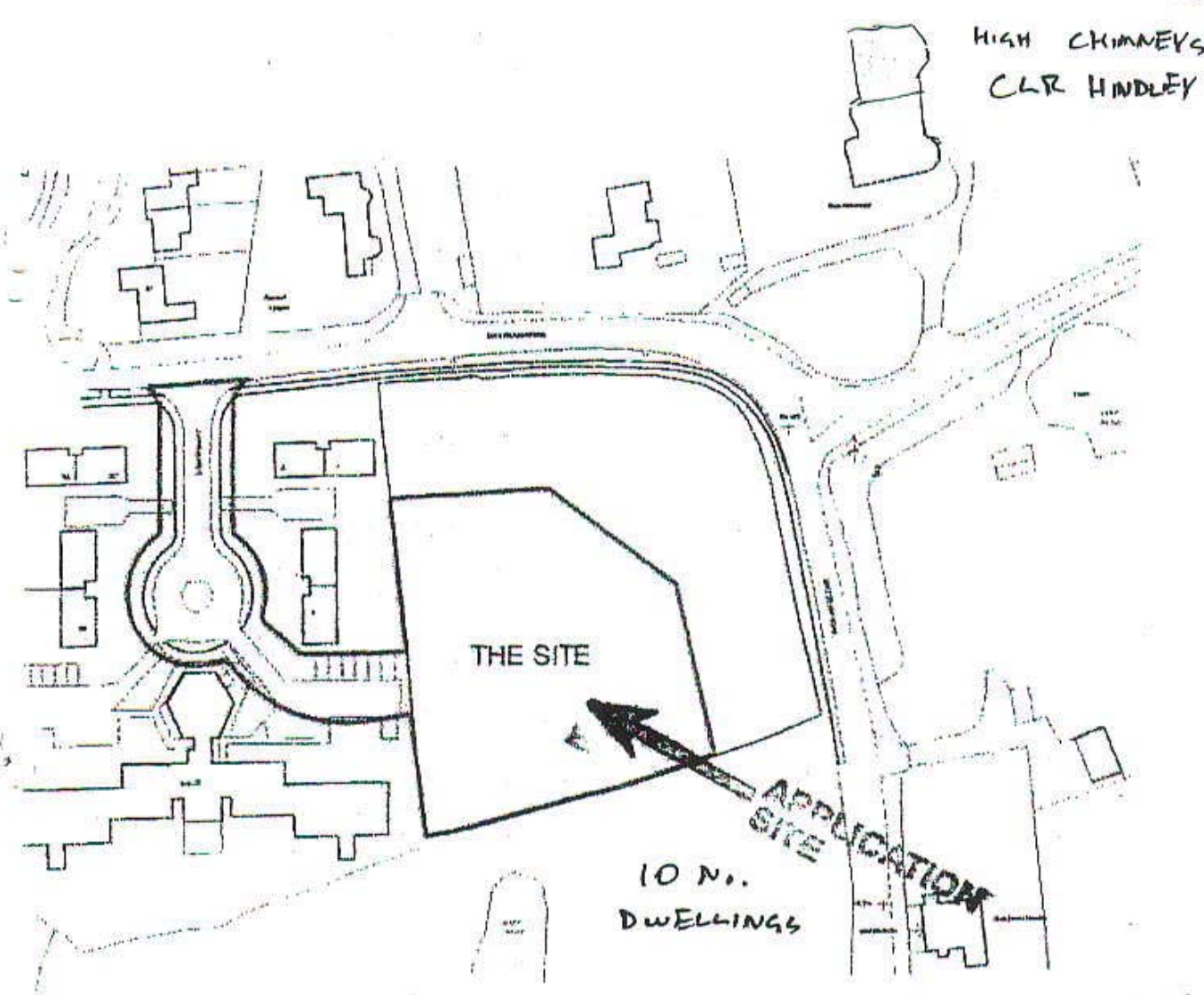
Information will be removed and kept entirely separate from your complaint and used for statistical purposes only. In which individuals will not be identified.

|   |                             |                 |   |
|---|-----------------------------|-----------------|---|
| Client<br>ENGLISH RURAL HOUSING ASSOCIATION | Scale<br>1:1250<br>@A4      | Date<br>Jun '06 | Consultants<br>11 Gosling Road<br>Worthing<br>West Sussex BN12 6AP<br>Tel: 01903 249777<br>Fax: 01903 249888<br>E-Mail: office@mc-cook-associates.co.uk |
| Project<br>MAYTHAM ROAD, ROLVENDEN          | Designer<br>KE              | Plot Checked    |   |
| Drawing<br>LOCATION PLAN                    | Drawing no<br>4676/Location | Revision<br>-   | CAD File Name:<br>4708a.rvt.dwg<br>2006   |



PLANNING REF:

DEA 10780005

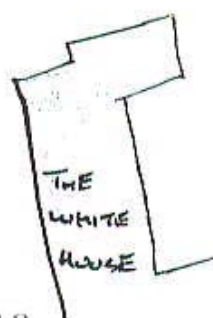


HIGH CHIMNEYS  
CLR HINDLEY

THE SITE

APPLICATION  
SITE  
10 No.  
DWELLINGS

CLR  
MURRAY



THE  
WHITE  
HOUSE

Edward Barry  
31.8.07

08 12 2006

I wish to register a complaint concerning Councillors Brian Hindley and Duncan Murray, both members of Rolvenden Parish Council, Kent.

The circumstances of my complaint about the above-named Councillors are as follows.

Rolvenden has been seeking a site for Local Needs Housing for many years. A site has been identified and planning applications submitted by the English Rural Housing Association which, though turned down by Ashford Borough Council, has been successful at Appeal.

At the Parish Council meeting held on Tuesday the 28<sup>th</sup> August 2007 the Council considered the matter of the Local Needs Housing, in the light of the recent Appeal decision. It is a highly emotional issue for the community of Rolvenden with deeply entrenched views as to those who favour the development proceeding and those who are against. The latter are principally the residents who are adjacent, or very near to the proposed site and Councillors Hindley and Murray clearly fall within this category.

Despite being asked and specifically warned by the Chairman of the Parish Council, Councillor John Wilkin, the Councillors in question failed to declare any interest in the matter under discussion and insisted in remaining present throughout and participating in the vote at the conclusion of it.

In a village community it can be very difficult to enforce the letter of the law concerning personal and prejudicial interest but Councillor Wilkin recognised this problem and specifically warned the whole Council that at a minimum, they should declare an interest if they lived sufficiently close to the proposed development site, that they had been consulted by the planning authority at the time of the application's first submission by virtue of being a near neighbour. There is no doubt that as near neighbours to the site both Councillors Hindley and Murray fall within this category. Please see attached map.

Having served as a Parish Councillor in Rolvenden myself, I am aware of the high standards that you expect of all elected officials and it is clear to me that these have not been upheld by Councillors Hindley and Murray in this instance. They have blatantly declined to declare an obvious prejudicial interest in a move to stop the proposed development proceeding on a site adjacent to their own properties.

The minutes of the meeting are not yet available but they should record Councillors Hindley and Murray being present throughout the discussion and participating in the vote. All members of Rolvenden Parish Council together with many parishioners were witness to the events. Details of individuals can be supplied as necessary.

Edward Barham

31<sup>st</sup> August 2007



M2

**Aban Keeka**

---

**From:** tandgdrew@btopenworld.com  
**Sent:** 28 August 2008 15:56  
**To:** Terry Mortimer  
**Cc:** Aban Keeka  
**Subject:** Cllr M document M2  
**Attachments:** supporting information.pdf

As per my recent email, here is an attachment which is supporting document M2 re Cllr M  
Tony Drew

06/01780/AS

**SUPPORT INFORMATION**

for

**PLANNING APPLICATION FOR  
TEN AFFORDABLE HOMES**

at

**GLEBE FIELD, MAYTHAM ROAD,  
ROLVENDEN, ASHFORD KENT**



**English Rural Housing Association  
2 Graphite Square, Vauxhall Walk  
London SE11 5EE**



**August 2006**

**Support Information  
Planning Application for 10 affordable homes  
Glebe Field, Maytham Road, Rolvenden**

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- 1.2 PLANNING POLICY**
- 1.3 HOUSING NEED**
- 1.4 SITE SELECTION**
- 1.5 TECHNICAL CONSULTATION**
- 1.6 COMMUNITY CONSULTATION**
- 1.7 ENSURING AFFORDABILITY IN PERPITUITY**
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- 2.3 ACCESS**
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### **PART 3 APPENDICES**

**Support Information  
Planning Application for 10 affordable homes  
Glebe Field, Maytham Road, Rolvenden**

## **PART 1 : STATEMENT FROM ENGLISH RURAL HOUSING ASSOCIATION**

**LOCAL NEEDS HOUSING  
GLEBE FIELD, MAYTHAM ROAD  
ROLVENDEN, KENT**

**August 2006**

**Support Information  
Planning Application for 10 affordable homes  
Glebe Field, Maytham Road, Rolvenden**

**1.1 INTRODUCTION**

This document forms part of a planning application for 10 affordable homes on land currently designated for agricultural use at Glebe Field, Maytham Road, Rolvenden.

The application is being made by English Rural Housing Association (ERHA), a rural specialist Registered Social Landlord which will develop the scheme, own and manage the properties, and take on all of the obligations that are attached to any planning consent.

ERHA owns around 85 small developments of shared ownership and rented housing in small villages in the south and southeast of England. It concentrates on providing rural schemes only and is recognised as a leading rural specialist Housing Association. In 2004/05, ERHA completed 90 new homes, bringing its stock to 661 units, spread across 86 villages and 38 Local Authority areas.

Although a relatively small organisation, ERHA is highly regarded as an efficient and effective social landlord. An analysis of the Housing Corporation's Operating Cost Index 2005, published in April 2006, has placed ERHA at No 1 out of the national list of 457 Registered Social Landlords.

ERHA has worked with Rolvenden Parish Council and Officers in the Planning and Housing Departments of Ashford Borough Council throughout the preparation of this planning application.

**1.2 PLANNING POLICIES**

The proposed scheme conforms to the following policies in the **Ashford Borough Council Local Plan 2000**

***Policy HG15 - Local Needs Affordable Housing***

*Proposals specifically designed to meet local housing needs will be permitted on unallocated sites within or adjoining Tenterden and rural settlements as "exceptions" to other policies restraining development, provided that the Council is satisfied that:*

*a) the local needs exist and cannot otherwise be met, and*

- b) secure arrangements can be made to reserve the dwellings for eligible local people in perpetuity, and*
- c) there are no overriding planning objections.*

*The Council will refuse planning permission for local needs schemes on non-Local Plan sites that rely on cross subsidy from general market housing.*

## **Conforming to Policy**

The application meets local policy objectives and criteria in the following ways:

- i) Affordable housing is to be developed on an exception site adjacent to the settlement boundary and is well-related to the village and its facilities.
- ii) The proposed scheme is of an appropriate scale in relation to the size and character of the settlement and surrounding development
- iii) The proposed scheme matches an identified need, in terms of the size, tenure and affordability of homes
- iv) The short and longer-term affordability of the houses is ensured by various mechanisms, including a s106 Planning Agreement
- v) Long-term arrangements for the management of the dwellings are outlined which will ensure that the houses will remain affordable and available to meet local needs in perpetuity
- vi) English Rural Housing Association is an established agency with a national track record in the field of rural development and management.
- vii) The site is very well related to existing housing in Rolvenden and to village facilities. The layout has been designed to cause minimum intrusion into the surrounding countryside. **(Section 1.4 below and Part 2 of this document refer)**
- viii) The scale, design and choice of materials are appropriate for the location **(Part 2 of this document refers)**
- ix) The ecological constraints of the site have been addressed and plans will be established for ongoing management of open space.

- x) The scheme is financially viable and capable of proceeding soon after the grant of planning permission and the conclusion of a Section 106 agreement
- xi) Full consultation has taken place with the Parish Council and with village residents

### 1.3 HOUSING NEED

All villages need a range of skills, income groups and age groups, representing diversity of interests and abilities to contribute, if they are to remain sustainable, balanced and viable communities. Rolvenden is no exception.

**House prices** in Ashford Borough are such that home ownership in the open market is beyond the reach of many, with an average price for all property types in excess of £212,000 according to latest Land Registry figures. Rent levels for private rented accommodation in the Borough are also high, reflecting the type and character of homes in the area.

First-time purchasers looking for a home find it increasingly difficult to enter the market. Despite the volume of new housing in the Borough, prices are often such that they remain unaffordable to people on modest incomes and beyond the means of the many people who wish to stay in, or return to, the area where they grew up, close to their families, friends and social networks.

According to Land Registry figures, the average price of property sold in Rolvenden in the period January to June 2006 was £404,000. The average price of a terraced home sold in Rolvenden in the same period was £211,000. The household income required to obtain a 95% mortgage for an average terraced home in Rolvenden is therefore around £57,000 pa.

In 2004 a **Housing Needs Survey** was carried out by Rolvenden Parish Council, supported by Ashford Borough Council and the Rural Housing Trust, and has been updated since that time. The following is a summary of the latest list of respondents with a local connection who are in need of affordable housing in Rolvenden:

|  |           |
|--|-----------|
| <i>Number of forms returned:</i>   | <b>44</b> |
| <i>Total number of individuals (including children) covered by survey:</i> | <b>99</b> |
| <i>Household size:</i>   |           |
| <i>Number of Single person households:</i>                                 | <b>16</b> |
| <i>Number of two person households:</i>                                    | <b>15</b> |

*Number of families:* 13

*Local connections (several respondents have more than one connection – only one per household included in this analysis):*

*Born in village and lived all life:* 13  
*Lived in village and moved away:* 15  
*Lives in the village now (5+ years):* 13  
*Have family currently in village:* 3

**Reasons for rehousing:**

*Unsuitable accommodation (overcrowded/disabled)* 11  
*Cannot afford to buy, would like shared ownership* 11  
*Want to (have to) leave relatives' accommodation* 10  
*Insecurity (tied and/or private rented)* 7  
*To be closer to relatives in village* 5

**Household Incomes**

*Under £15,000 pa* 19  
*15,001 to £25,000* 12  
*25,001 to £35,000* 5  
*£35,000+* 8

**Conclusion and proposals**

Following analysis of the information supplied on all the application forms to date, it was considered that a scheme of ten units, comprising mainly rented accommodation but with an element of shared ownership, would go some way toward helping to meet the established local need.

The proposed scheme will provide seven homes for rent and three for shared ownership – as follows:

**Rent:**

*4 x one bedroom flats*  
*2 x two bedroom houses*  
*1 x three bedroom house*

**Shared ownership:**

*2 x two bedroom houses*  
*1 x three bedroom house*



## 1.4 SITE SELECTION PROCESS

Once a project had been established to develop a local needs housing scheme Rolvenden Parish Council worked with the Rural Housing Trust (Ashford Borough Council's rural housing enabler) to identify a suitable site for a local needs housing scheme. Over a period of several years, many potential sites were identified and their suitability evaluated in consultation with Borough Council planning officers. The following is an analysis of these sites:-

**Site 1: Land behind Regent Street.** The absence of development on this site provides a very strong boundary to both Regent Street and High Street related to the surrounding countryside. The absence of development also allows wonderful views from nearby Windmill Farm across the countryside towards St Mary's Church that need to be preserved.

**Site 2: Land to the rear of Sparkeswood Avenue.** Highways officers advised that there would be concerns regarding the number of properties already accessed by Sparkeswood Avenue and the problems of on-street parking. It was considered that further development would exacerbate such problems and could not be supported. Planning officers also advised that the eastern boundary of Sparkeswood Avenue and Sparkeswood Close provide a very strong boundary to the village, which would be undermined by this further development in this area.

**Site 3: Glebe Field (adjacent to Monypenny).** This site was considered to have possibilities and related well to the village. It was considered important that any development proposals did not detract from –and if possible, enhanced- the entrance into the village from Maytham Road.

**Site 4: Land to the rear of Working Men's Club.** It was considered that development on this frontage would detract from the settings of both nearby listed buildings. Development to the rear would result in a form of built development somewhat at odds with the form of development within the village (generally linear form)

**Site 4: Land opposite/and to the South of the Working Men's Club.** It was considered that neither of these sites related well to the village and its amenities and in addition there were concerns about the ability to provide a safe pedestrian access.

**Site 5: Hastings Road.** The site lies adjacent to the Conservation Area and the setting is one of open land on rising ground. It was felt that any development would have a significant detrimental effect upon the entrance to and exit from the village. In addition there were

highway safety issues regarding traffic speeds given that the site is on a hill wherein vehicle speeds tend to increase in a southerly direction.

**Site 6: Land between Tennis Courts and Windmill Farm.** This site would only be made available if a cross subsidy of open market commercial units was allowed. Policy HG15 would not permit this and so this site could not be considered further.

**Site 7: Inkerman Field.** It was considered that there were important views of Rolvenden and Church across this field which should be preserved. In addition, Highways officers advised that sight lines were insufficient to provide safe highways visibility.

**Site 8: Bonyspots, Tenterden Road.** This site was located too far from the village and would create unacceptable ribbon development.

**Site 9: Rolvenden Football Field.** Again this site would only be made available if cross subsidy of open market housing was allowed and so could not be considered.

### **Conclusion of selection process**

The identification and evaluation of potentially suitable sites for a local needs housing scheme has taken place over a period of some three years. Each suggested site was carefully considered and discussed by the Parish Council's Affordable Housing Working Group, The Rural Housing Trust and English Rural HA.

Regular discussions have also taken at **Ashford Borough Council's Rural Round Table**. This is a bi-monthly meeting with a membership including:- the Development Control Manager, Housing Research and Development Manager, KCC Highways, Property Lawyer, Legal Executive and representatives of partner RSLs (housing associations) currently working on rural schemes.

Eventually it was agreed by all parties that the only suitable available site to develop a local needs housing scheme, using the exceptions policy, was the Glebe Field site.

## **1.5 TECHNICAL CONSULTATION**

Following agreement on site selection, ERHA continued to work closely with Borough Council officers throughout the various stages of technical consultation, culminating in this planning application. All aspects of the proposed development have been discussed at meetings of the ABC Rural Round Table over the last three years.

Careful consideration has been given to the siting of the development within the field. It was considered important to retain the view across the field to the Church, approaching from Rolvenden Layne.

One of the main issues affecting this project has been the provision of a suitable access to the field. Initially it had been hoped to use the existing farm access. However after extensive traffic surveys and consultation with KCC Highways it became clear that the provision of acceptable sight lines and visibility splays would result in much of the hedgerow being removed around the field, resulting in a complete unacceptable transformation of this entrance to the village.

The Parish Council had also hoped that perhaps an access could be provided to the South of the site (near the Working Men's Club). However, an initial offer of land which would enable this to happen has since been withdrawn. It should be noted that, in any event, this point of access was not supported by KCC Highways.

It was finally concluded by all parties that the only safe, practical access was an extension to the access road in Monypenny.

### **Environmental Issues**

An initial ecological survey of the Glebe Field site revealed the presence of great crested newts. A specialist consultant was appointed to carry out a population estimate survey (Appendix A refers). ERHA will put in place the recommended mitigation strategy prior to commencing development.

Discussions have taken place with Rolvenden Parish Council and with Kent Wildlife Trust on the future of the remainder of the field, between the site boundary and Maytham Road. It is anticipated that proposals to ensure that this area remains as a permanent planted space will be agreed in due course in conjunction with all stakeholders. ERHA is also working with the Business & Biodiversity project (based at 'Ashford's Future') to ensure the landscaped areas are planted using native species and adopting 'Gardening for Wildlife' principles wherever possible.

**Detailed information concerning design and access matters is contained in Part 2 of this document.**

## 1.6 COMMUNITY CONSULTATION

In 2000 Rolvenden Parish Council carried out a Village Appraisal; one of the main recommendations of the report "Rolvenden Village Profile" was that the Parish Council *"looks afresh at affordable options for local young people wishing to set up their own homes"*.

Following establishment of housing need via the housing need survey (item 1.3 of this document refers), a project was established to develop a local needs housing scheme and progress was regularly discussed at Parish Council meetings and Annual Parish Meetings.

The announcement of the selection of the Glebe Field site resulted in some concerns being expressed by some neighbouring residents, in particular those from the Borough Council's sheltered housing scheme – Monypenny – which is adjacent.

In May 2006 ABC held a **Consultation Event at Monypenny** to discuss with residents the proposed plans and to ascertain their concerns. ERHA displayed a preliminary copy of the layout. About half the residents attended the drop-in session and expressed some concerns in relation to increased traffic, noise and loss of privacy.

It was a very useful event and enabled the design team to focus on the specific issues raised and in particular to incorporate changes to the design of the access. The plans now include extensive planting to the existing road in Monypenny to create a more private environment for the residents. This should also have the effect of helping to deter non-resident traffic from entering the cul-de-sac, which residents had stated as a long-standing problem. Ample replacement parking for the loss of the garage block is also to be provided.

This event also gave an opportunity for ERHA staff to discuss with residents how properties are allocated on a local needs housing scheme and to show examples of existing ERHA schemes in Ashford and elsewhere. Attention was drawn to a comparable scheme in Leeds, near Maidstone, which was also built off a cul de sac of older people's bungalows. This has proved to be an extremely successful development with good integration between the two communities and each providing help and support for each other.

Following further site investigation and some redesign work resulting from the May 2006 Consultation Event, a full **Village Information and Consultation Event** was held on **6 July 2006 (2pm to 7pm)**.

This event was held in the Village Hall and the purpose was to display plans of the proposed local needs housing scheme in Glebe Field. Additional displays were also available showing existing ERHA schemes across Kent. ERHA staff and the Parish Council were in attendance to answer any questions and to provide information about local needs housing and the allocation of properties.

The event was also an opportunity for people who had a need for affordable housing in the village to register an interest for one of properties. Following the second stage survey carried out in 2004 there were already 42 households on the register of interest with two households registering since the consultation event.

Forms were provided to enable people to make written comments about the design of the scheme and any related issues.

The event was very successful and was attended by more than 300 people spread over five hours. Overall, the majority of local residents who came along expressed their support for the concept of affordable housing for the village, and endorsed the proposals to develop the scheme as displayed. In addition, of course, the event provided a further opportunity for those who had already voiced their opposition to the scheme at Parish Council meetings to consider the amended proposals and to discuss their concerns with ERHA staff and parish councillors.

The primary concern of those who expressed reservations about the proposals was the access through Monypenny and the potential impact that this could have on the residents. The event allowed time to be taken to provide detailed explanations of the processes and technical details, and many people expressed appreciation for the efforts that had been made to find an alternative access, the extensive consultation that had taken place with Kent Highways and the number of traffic speed surveys carried out. ERHA staff were able to explain that the results of the surveys were unable to prove that it was possible to provide the required sight lines in order to achieve the creation of a safe access from Maytham Road. The possibility of an alternative access from the south of Glebe Field via the Working Men's Club was raised by several people, and it was explained that this land was not available. (Notwithstanding which, of course, this potential access was not supported by Kent Highways).

The question of alternative sites was also raised and ERHA staff were able to explain the extensive site selection process that had taken place and how the Glebe Field site had proved to be the only suitable site available on terms that planners could consider under the exceptions policy. Local residents were pleased to learn that the scheme would only provide affordable rented and shared ownership housing for people with a proven connection to the Parish and that properties could not be sold on the open market and would therefore remain within the community in perpetuity.

A small number of residents from Monypenny sat outside the hall with placards protesting about the scheme. ERHA staff engaged the residents in conversation and explained the nature and purpose of the scheme in detail.

The exchanges were warm and friendly, and it is hoped that at least some of the concerns expressed by the Monypenny residents have been addressed and fears allayed. It was explained that the proposed homes would be for local people and there was some appreciation from residents for the improvements to privacy and security introduced on the latest plans. ERHA staff also took the opportunity to

discuss other ERHA schemes that had been built in comparable locations, i.e. close to housing for the elderly and with access taken through an existing cul-de-sac. Similar concerns had been expressed by those residents too, but it was explained that when the houses were built and occupied by people from the village, a real community spirit had developed and the elderly residents were happy with their new neighbours.

ERHA staff took care to talk things through very carefully with Monypenny residents, out of respect and appreciation of the fears about security that the residents were expressing. It was apparent that the residents have concerns about a number of issues unrelated to the proposed development, (in particular, the removal of an on-site warden) indicating that the affordable housing scheme had become a vehicle through which wider grievances could be voiced.

### **Analysis of the comments forms**

Everyone attending the event was invited to submit their views in writing via a simple Comments form. Exactly 150 completed forms were received, although four of these were received from the same person and so their comments have been amalgamated. Of the 147 different forms received, a number contained separate comments from more than one person, typically individual family members within the same household. Other households submitted separate forms. **The number of individuals who submitted their comments totalled 170, of which 92 were in support of the proposals, 23 supported the scheme in principle but had concerns about the access, and 45 were opposed to the scheme.**

There were no adverse comments at all concerning the design, layout or size of the scheme.

## **1.7 ENSURING AFFORDABILITY IN PERPITUITY**

### **Rented Housing**

Central Government currently supports local needs housing through its housing agency, the Housing Corporation, via Social Housing Grant (SHG). This capital grant towards the cost of provision, to assist in the delivery of affordable rented and shared-ownership homes, is exclusively available to Registered Social Landlords (RSLs).

The rents for the new properties will be set at a level within that calculated via the statutory Target Rent Formula. Subsequent annual increases are similarly controlled and are typically below the rate of inflation. Rents charged are within Housing Benefit levels, which mean that no one is excluded from a tenancy simply because of a low income.

The new rented properties will not be subject to the Right to Buy (or "Right to Acquire", as it is termed for RSLs).

### **Shared Ownership Housing**

Prices for the shared-ownership homes will be approximately 50% of open market value, although the exact percentage will not be set until the property approaches completion. Based on current examples the selling price for a two bedroom house is likely to be in the order of £100,000 and a household income of at least £27,000 will be required to obtain a mortgage for this shared ownership dwelling.

In contrast with other shared ownership models, under the ERHA model no rent is charged on the unsold equity.

Re-sales must be to purchasers nominated by the Housing Association, at the set percentage of an approved current valuation. The rights of the Housing Association to control the resale process are protected by the terms of the lease. The process of selecting the purchaser is specified in the s106 planning agreement.

It is not possible to control market rises in the value of a house but ERHA will ensure that any home offered for re-sale will be made available at a figure well below full market value. This ensures that applicants who qualify under the local connection and are in housing need will always be able to purchase a house at a much lower price than in the open market.

**Affordability** of the proposed new homes is guaranteed through:

- i) grant towards capital cost
- ii) government rent controls
- iii) statutory limits on share of equity which can be purchased
- iv) the absence of the right to buy
- v) the non-profit nature of the Housing Association

The **long-term controls** to which the scheme would be subject are as follows:

- i) The Section 106 Planning Agreement
- ii) Housing Corporation regulation
- iii) The policies and practices of the Registered Social Landlord (RSL)
- iv) The shared ownership leases

## **Section 106 Planning Agreement**

A s106 Planning Agreement will be agreed between the Borough Council and ERHA. The terms of the agreement will ensure that the houses are allocated to those in housing need in Rolvenden. Should there be no suitable applicant from Rolvenden Parish the property will be allocated to an applicant from one of the adjoining parishes. In the unlikely event that no tenant or shared owner can be found from these "reserve" parishes, the property will be offered to a person or person in housing need nominated by Ashford Borough Council.

ERHA has always resisted "**mortgagee in possession**" clauses in s106 Agreements. Some lenders insist on these clauses to allow them to sell the houses free from any restrictions should they be in a position to repossess because of mortgage arrears or default.

There are a number of lenders already providing mortgages to ERHA's shared ownership purchasers who do not require this clause in the s106 Agreement. Similarly, the absence of this clause has never presented any problem for ERHA in raising residual finance for rented units

## **Regulation and Rent Controls**

The Housing Corporation is the Regulator of Registered Social Landlords and carries out regular audits, reviews and regulatory visits to monitor the conduct of all RSLs. The Housing Corporation also monitors rent increases and sets annual limits to increases that RSLs may implement. These limits are usually lower than the rate of inflation. There are statutory powers which the Housing Corporation must exercise if any RSL is in default of its obligations.

In the unlikely event of an RSL ceasing to trade or failing to observe any of its legal obligations, the Housing Corporation would intervene and would ensure that ownership of the homes passed to another RSL which was financially viable and in a position to comply with all other obligations.

## **Tenancies and Right to Buy**

RSL tenants have assured tenancies, which grant security of tenure but do not allow the Right to Buy (or the Right to Acquire) the occupied properties.

Shared-owners cannot increase their share of the equity (a process known as staircasing) beyond 80% of the full value. Thus ERHA retains control of both tenures for future lettings and sale.



## **Shared ownership leases**

The model lease for the shared ownership houses will be available for approval by the Council before sales take place, as a condition of the s106 Agreement. The Council will thereby ensure that the leases contain all the necessary provisions to control future occupancy.

In order to limit increases in the value of its houses, ERHA policy does not permit residents to build extensions to ERHA properties, although the ERHA Board will consider special cases if there is justification on serious medical grounds. The principle of presumption against consent for extensions is founded on a desire to constrain increases in property values and to respect the integrity of the original scheme design.

## **1.8 FINANCIAL VIABILITY OF PROPOSED SCHEME**

ERHA will receive approximately 50% of the cost of the scheme from public funds, in the form of Social Housing Grant (SHG). The balance of the cost will be funded from:

- i) proceeds from shared-ownership sales and
- ii) long-term residual funding, secured by a mortgage on the rented properties. The mortgage will be serviced out of rental income

Ashford Borough Council supported the bid to the Housing Corporation for grant funding for this project, and an allocation has been made. The residual loan required falls well within the borrowing capacity of ERHA. A market appraisal of the value of the proposed shared ownership houses confirms that values exceed forecast costs by a significant margin. This ensures that the shared ownership houses can be sold at approximately 50% of full value; depending on out-turn costs and prevailing values at the time of sale.

**Support Information  
Planning Application for 10 affordable homes  
Glebe Field, Maytham Road, Rolvenden**

## **PART 2 : DESIGN & ACCESS STATEMENT**

**LOCAL NEEDS HOUSING  
GLEBE FIELD, MAYTHAM ROAD  
ROLVENDEN, KENT**

## 2.1 THE SITE

The Site is part of a field which lies on the edge of the village of Rolvenden, presently used for pasture. The north and east boundaries of the field abut Maytham Road, one of the main access routes into the village. The church is visible in the distance on this approach, and this vista has been retained by ensuring that the proposed development site is positioned within the south-west corner of the field, contained within a diagonal line drawn between the north-west and south-east corners, with a minimum distance of some 25 metres between the boundary fencing on the development and Maytham Road. A three metre wide buffer planting strip is also proposed around the north and east of the site, to further improve screening of the development from Maytham Road.

Discussions have taken place with Rolvenden Parish Council and with Kent Wildlife Trust on the future of the land between the site boundary and Maytham Road. It is anticipated that proposals to ensure that this area remains as a permanent planted space will be agreed in due course in conjunction with all stakeholders.

Following extensive consultations with Highways and a thorough technical appraisal of all available alternatives, the proposed site access will be via Monypenny, an existing cul-de-sac currently serving a small development of bungalows and sheltered housing. Full details of the investigation and consideration of the various options for access is included elsewhere in this document.

The proposed scheme includes improvements to Monypenny to incorporate new and enhanced planting either side, with additional seating areas. The configuration of the existing roundabout and the narrowing of the proposed access coming off this, act as natural speed deterrents and the design thus helps to minimise the amount of proposed work to the existing carriageway.

To facilitate the access, 6 garages serving the sheltered housing will be removed, and replaced with 6 new car ports within the new development. At the request of

local consultees, these have been designed to be as open as possible, to reduce the possibility of their being used as storage or anything other than parking. Currently only one of the existing garages is used by a resident of Monypenny; the remaining 5 are presently let to other residents from the village. The new car ports have been located as near as possible to the site entrance (and as close as possible to the original garage positions). This avoids the need for these users to travel through the new development.

The combination of the requirement to replace the garage parking and to provide the planted buffer strip results in a reduction in the net developable area of the site, from a gross site area of 0.303 Ha down to a net developable site area of 0.25 Ha. This also excludes the extended access drive from Monypenny.

A continuous 1.5m wide footpath runs along the edge of Monypenny, providing an uninterrupted path from Maytham Road into the site. Once this footpath and road reach the site proper, they combine to become a shared access drive with turning head, in herringbone style block pavers.

## **2.2 PROPOSALS**

The proposal is for 4 one bedroom flats (46m<sup>2</sup>), 4 two-bedroom houses (76m<sup>2</sup>) and 2 three bedroom houses (86m<sup>2</sup>).

This housing mix is as identified as needed in the local housing needs survey undertaken, and results in a density of 40 dwellings / hectare (net site area), in accordance with the Government Policy as outlined in PPG3. The housing needs survey is included elsewhere within this application.

The houses have been positioned informally within the site, although the gable fronted plot 7 is positioned directly at the end of the proposed access for visual effect as a stop to this vista.

Each house has two car parking spaces, each flat one space plus one extra visitor space. The majority of car spaces are at the rear in private areas, to minimise the intrusion of car parking on the development. These are overlooked from the bedrooms of the appropriate dwellings and have direct access through the gardens into the houses.

The design of the houses and proposed materials reflect the style and materials traditionally used within the village, and include plain tiles to the roofs, and a mixture of tile hanging, local stock facing bricks and white weatherboarding (Eternit Weatherboard 50 or a similar through-coloured product) to the walls.

The buffer planting strip is to include a mix of native tree and hedge species, with a further 2 metre wide screen hedge to run along the rear garden boundaries of two bungalows in Monypenny that abut the proposed development.

### **2.3 ACCESS**

The proposed development site has frontage onto Maytham Road which is unclassified but gives safe and easy access to the village of Rolvenden to the north-west and to Rolvenden Layne to the south-east. There is a fairly sharp bend in the road as it turns to follow the northern and eastern boundaries of the site.

The western boundary of the site abuts properties in Moneyppenny. Moneyppenny is a cul-de-sac with a circular turning head and an attractively planted roundabout.

Consideration has been given to two alternative access points directly onto Maytham Road, one on the northern boundary and one on the eastern boundary. A third alternative access point from Moneyppenny has also been evaluated.

The visibility distance required at a junction is determined by the measured speed of approaching traffic. A series of automatic traffic counts and speed analyses have

been commissioned in Maytham Road and the results analysed and discussed with the Highway Authority. A copy of these results is included within this document (Appendix B refers).

The measured traffic speeds close to the sharp bend in Maytham Road were such that the provision of suitable vision splays could only be achieved by removing much of the hedgerow, either on the northern or eastern boundary of the site. After exhaustive examination of the various possibilities it was concluded that direct access onto Maytham Road could not be achieved without significant environmental loss.

The priority in securing a safe access via Moneypenny has been to ensure minimum disturbance and disruption to the existing residents, both during construction and following completion of the development. Following further analysis it was concluded that the existing carriageway and turning circle were best left unchanged. A restricted width access at the entrance to the new development would encourage the traffic generated to enter and leave at safe speeds.

The resultant relatively short lengths of Moneypenny and the new access road together with the existing roundabout and proposed narrowing would be expected to achieve a target speed of 15mph.

There is safe pedestrian access between Moneypenny and the village of Rolvenden. This would be extended into the new development with a footway beside the extended carriageway.

Although Moneypenny is unlit, the new dwellings will have external lights but also no street lighting. This is the favoured design by residents in this type of rural location.

Access for the disabled will be provided by means of flush dropped kerbs and tactile paving on the safest route between Moneypenny and the new dwellings. Full

mobility access will be provided to the main entrance of each new dwelling all in accordance with Part M of the Building Regulations.

Access for construction traffic through Monypenny will not be necessary. Highways have indicated that they will be prepared to allow a temporary access to the site direct from Maytham Road, via an existing field gate, for the duration of the works.

## **2.4 SUSTAINABILITY**

The site is conveniently located within a short walking distance of the village shops. There are also daily bus services to the larger surrounding towns of Ashford, Tunbridge Wells, Tenterden & Hastings. In addition, a local bus runs on Monday, Wednesday & Friday between Rolvenden Layne & Tenterden.

Secure cycle storage will be provided for each new dwelling, in the form of a lockable store in the rear garden, big enough to cater for at least two bicycles.

Traditional sustainable materials are intended to be used, including facing brickwork, plain tile hanging and plain roof tiles. Water butts may be provided in gardens, and all the dwellings will be designed to achieve an EcoHomes rating of at least "Good". It is probable that the dwellings will be built using timber frame.

Generally the rear gardens will be separated from public areas and the parking courtyards by 1.8m high close-boarded fences.

The north and east site boundaries will also have a 1.8m high close-boarded fence in conjunction with the 3.0m wide planting strip. Where possible, landscaped areas and gardens will be planted using native species and adopting Gardening for Wildlife principles.

## Record of interview

Interview with: Councillor Duncan Murray  
Status: Member of Rolvenden Parish Council  
Date: 16 June 2008  
Venue: Cllr Murray's home, The White House, Rolvenden  
Investigator: Tony Drew

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1. Cllr Murray was elected as a member of the Council in May 2007.
2. Cllr Murray first heard about proposals to site local needs housing on the Glebe field site 3 or 4 years ago, before he became a councillor. He was concerned about the proposals because of his own views about their unsuitability. He was also aware that Money Penny residents were very much opposed to the development. He had been approached by neighbours (who were aware of his background and skills as a chartered civil engineer with experience of highways and planning matters) who wanted him to help to oppose the development.
3. Cllr Murray decided to become involved in campaigning against the development. He liaised with two neighbours in asking questions to establish the views of the Money Penny residents, who he was aware were opposed to the development. He did not liaise with Cllr Hindley on the matter. Following a meeting between the developers and Money Penny residents, the Money Penny residents had a number of concerns about the scheme, and Cllr Murray received feedback about these concerns. One effect on the Money Penny residents would be an increase in traffic movements through Money Penny. Currently there are perhaps 20-40 traffic movements per day involving local residents, visitors, community nurses etc. This would be multiplied many times by the new scheme. Some Money Penny residents were also against having younger people with families, and with children using bikes, in such proximity. The building would also be in their faces where they currently look onto countryside, although Cllr Murray considers that is not so important.
4. Because of his concerns about the scheme Cllr Murray started attending Parish Council meetings on a regular basis about three to four years ago. He also researched 8 to 10 alternative sites for a local needs housing scheme and produced a paper which he sent to the Parish Council about three years



and also to the local vicar and publican amongst others. His paper gave information about alternative sites. By that point the Parish Council had decided to support the development on the Glebe Field site, having researched about 4 alternatives which turned out not to be viable because of ownership issues. Cllr Murray thinks he was probably seen by members of the Parish Council as being a nuisance. From what he could judge and from what he subsequently heard from other councillors, his attendance had some effect on the conduct of meetings in that councillors behaved better and meetings were conducted properly and more formally. Cllr Murray later wrote to every member of the Borough Council about the proposed development.

5. Access to the proposed development through Money Penny was 'on and off' several times. Following various surveys it became apparent that Money Penny was the only viable access option for that site. Cllr Murray said he had always advised the parish council of this but Mr Barham dismissed it.
6. In Cllr Murray's view the Glebe field site was unsuitable for the development because it is a special corner of the village and the development would change the existing character of the area, and because it is next to the Money Penny sheltered housing scheme. The open fields contribute to the character of the locality as a sanctuary and it is a very quiet area. This is important for the elderly residents of Money Penny whose sheltered housing is and should be a haven.
7. Cllr Murray recognises the need for low cost housing for local people, which is a national problem affecting the South East particularly.
8. Cllr Murray could not remember whether or not he had been sent notification of the planning application by the Borough Council. He was in any case very aware of the proposals so would not have taken particular note of such a letter.
9. Cllr Murray said there was growing unrest amongst some parish councillors about the scheme, as they became more aware of the concerns of Money Penny residents, some of whom started attending Council meetings in some numbers. It was, however, a majority decision of the Council to support it and the planning application process proceeded.
10. Cllr Murray made written representation to Ashford Borough Councillors in 2006, and to the planning department as a member of the public. The planning application was turned down by the Borough Council but went to appeal. The Planning Inspectorate formally wrote to Cllr Murray at that time and Cllr Murray made representations to the Planning Inspectorate. The Planning Inspectorate overturned the Borough Council's decision.
11. Cllr Murray made a last minute decision to contest the May 2007 Parish Council elections so that he could speak on the matter from inside rather than

outside the Council. Council elections tended not to have been contested in the past, and Cllr Murray considers this was good for the village. He produced an election leaflet setting out his views about the housing scheme. Cllr Murray received a lot of support. He was successful and some existing councillors were voted off including 2 proponents of the Glebe field housing scheme.

12. At the May 2007 Council meeting (the first meeting he attended as a member of the Council) Cllr Murray made his reasons for being there quite clear, and stated that he did not regard himself as having a personal interest and intended to speak on the matter. The clerk misunderstood what he had said and recorded in the minutes that he had declared a personal and prejudicial interest. Cllr Murray contacted the clerk about this and asked for an amendment to the minutes which was agreed at the June Council meeting, to the effect that at the May meeting he had stated that he did not have a personal interest in the local needs housing scheme. The housing development was discussed at the May 2007 meeting, and Cllr Murray contributed to that discussion. It was clear that the newly constituted Council might take a different view to the previous Council but this was not tested at the May meeting.
13. Before the August 2008 Council meeting Cllr Murray had discussed the matter with four or five other councillors. He was not sure before the meeting how the discussion at the meeting would go, and he was aware of no definite decision in advance to put the matter to a vote.
14. He thought it likely that the question of personal interest for councillors might arise, but Cllr Murray had made his position clear at previous meetings, that he did not consider he had any personal interest. Cllr Murray thought that parish councillors were generally poor at understanding personal and prejudicial interests and the code had not always been observed rigorously, although not generally through any intention to act improperly; Cllr Hindley was the only one who had challenged this in the past.
15. At the August 2007 Council meeting, Cllr Murray recalled that there was some discussion amongst councillors about the pros and cons of the Glebe field development, before Cllr Hindley proposed a motion. There was an interruption from Mr Barham who was there in relation to another planning matter: Mr Barham said something to the effect of: 'Chairman, you can't allow this - it was decided long ago and you can't change it; you must make it clear to councillors that they must consider their own positions, especially those who received letters as neighbours'. Cllr Murray stressed that Mr Barham was at the meeting as a member of the public and interrupted the meeting. The proper procedure is that the public only speak when the meeting is adjourned and they are invited to speak. This was a 'live' meeting, not adjourned. The Chairman then asked members to state if they had an interest. Cllr Murray responded to this, saying at the meeting that he did not

recall whether he had received a letter but that did not matter and he did not have a personal interest. No-one else declared an interest. Cllr Hindley did not say anything. A vote was then held on Cllr Hindley's motion which was carried by 5 votes to 4. Cllr Murray voted in favour.

16. Cllr Murray confirms that the amended minutes of the meeting (which TD read out to him) were accurate. Cllr Murray had asked for the minutes to be amended because he considered the record was incomplete and there was such a fuss that he wanted to make his position absolutely clear.
17. Cllr Murray confirmed his view that the development would have no significant impact upon his property at the White House. The distance from his boundary to the edge of the site is approximately 80 yards. There would be very little effect on the view from his property: A 2 storey gable end of one of the proposed new houses which was reasonably near the boundary would be visible from the White House. He was not sure whether or not the plans included any window in that wall, but that was irrelevant because of the distance. Money Penny is in any case visible from his property. The White House would not be overlooked because of the hedges. There are three windows on the side of the White House facing Glebe field, all on the ground floor as it is a single storey building. The house is also about two feet below the ground level in the adjoining field. Cllr Murray also has a hedge on that side which is capable of screening the view, although he has allowed it to die down in places. Cllr Murray said there would be no issue about noise from the development because of the distance. In addition the planning application shows more planting which would help to absorb any noise. There would be very little impact on traffic in Maytham Road as few people drive down Maytham Road past the White House. There would be no impact on the value of his property.
18. Cllr Murray said he was aware of no plans for development on the field adjoining his property. He observed that 20 years from now there will not be many gaps in the village as further development is inevitable.
19. TD asked Cllr Murray whether on reflection he thought he may have had a personal or personal/prejudicial interest. Cllr Murray replied that he was absolutely clear that he did not have a prejudicial interest. He cited SBE guidance which included the sentence: 'in order for your interest to be prejudicial it must be a financial or regulatory matter.' He had read through the Standards Board's guidance in detail. He was aware that there were grey areas, but an example given in the guidance of a personal interest referred to a person living being 'next to' a site; if the guidance had meant to include people living 'near to' a site that would have been stated. He was 90% sure he did not have a personal interest, or more like 99% sure.
20. Cllr Murray considers he has a good understanding of the code of conduct in relation to personal and prejudicial interests. He had not considered it

necessary to approach anyone else for advice on the question of personal interests. He had researched the subject on the web. He thought he probably knew more about it than others on the Council. It did not enter his mind to seek advice from the Borough Council or the Kent Association of Local Councils. He had spoken to friends in the village who agreed with him that he did not have a personal interest. He cannot recall precisely but he thinks he asked Rolvenden's Borough Councillor, Mrs Hutchinson, to confirm his position.

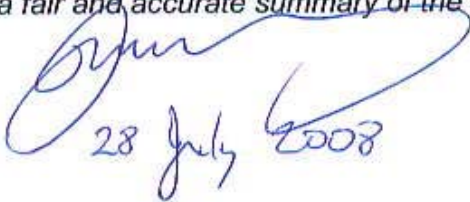
21. Cllr Murray has not received training on the Code of Conduct and is not aware of there having been any general training opportunities for members of the Council since he joined the Council, although he recalls that Cllr Hindley went on a short 'update' seminar on the New Standards.
22. Cllr Murray provided a copy of a letter from Mr Barham dated 24 November 2006, on headed Council paper, in which he asked Cllr Murray to state his position in relation to different access alternatives to the Glebe field development. Mr Barham also asked him to comment from the floor at the next Council meeting. Cllr Murray thought this was meant to be a trap and was not a fair question.
23. Cllr Murray was aware that alternative access appears now to be under consideration again. He clarified his attitude as follows. Access through Money Penny is out of the question. If the Glebe field site goes ahead with alternative access, it would not be his choice but he accepts that development happens. He would still lobby for other sites in preference. Cllr Murray said he was aware that the Money Penny residents were still against the Glebe field site. If they were not, he would drop it as well.

**Statement of truth**

*I confirm that this interview record, taken together with the additional clarification below, is a fair and accurate summary of the interview held on 16 June 2008.*

Signed:

Date:

Handwritten signature and date in blue ink. The signature is a cursive name, and the date is "28 July 2008".

**Additional statement by Councillor Murray to clarify the record of the interview held on 16 June 2008**

I think that the last sentence of paragraph 17 is a significant understatement. It does not refer to the fact that my house has as an immediate neighbour, The Rolvenden Club. It is to the side and rear of my property. This is a licensed club so has regular gatherings as club nights and is also hired out for social occasions. There can be dozens of members or visitors, involving entertainment, discos, drinking etc both in the hall and in the rear garden. Of course there are many accompanying vehicles which can fill the large car park. As you might expect, there is often disturbance and noise, especially towards the ends of parties and at closing time. This club as neighbour puts a cap to the value of my house, and a housing development a whole field distant would not affect the value at all.

I would like to reinforce my argument re deciding not to declare a personal interest. You rightly confirm that I considered all the facts, including the distance, and that this is a 'grey area'. I know that if my property adjoined a proposed development site then this would be a clear personal interest. We also know that at some distance, not defined, there is clearly no personal interest. At some non-defined distance between these extremes, there is a line where the position changes. This distance may even be a very small distance indeed, which stops the properties being "next to" each other.

I could have declared a personal interest and still continued to discuss the matter and to vote on it, so my ability to participate was not affected by my decision. Any councillor could declare a personal interest in any discussion as a self-defence but this would be a mockery of the procedures. Therefore I considered all the facts and told the Parish Council of my decision. I continue to believe that 80 yards is a long gap and that my decision was appropriate.

Having made my position clear to the Parish Councillors at the first meeting and having their tacit agreement on the matter, I did not consider the matter again until the subject was specifically raised by Mr Barham (against proper procedure) and repeated by Councillor Wilkins.

The only person who has objected to my reasoning and decision has been Mr Barham. Cllr Wilkins only wrote to The Borough Council for advice on this second occasion after the interference from Mr Barham,

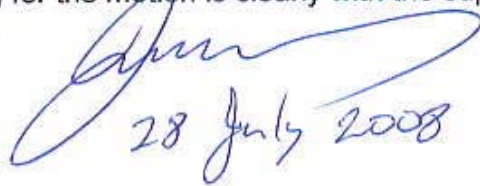
I think it very unlikely that anyone other than Mr Barham would consider that I had a prejudicial interest. However, the matter would be so serious that I want to stress the following, just in case. The Code of Conduct, page 22 item 1c) refers to whether to a member of the public would reasonably think an interest is significant. As stated above the only person who has argued this case is Mr Barham. He cannot be considered to be reasonable given the circumstances. As stated in my previous letter Mr Barham had a clear prejudicial interest while he

was Chairman, and which I challenged formally. He then lost his seat to me in the election. He still has an interest in the housing going on Glebe Field to maximise the value of his own land. Since he put forward this accusation, he has asked the Chairman to disallow me and Cllr Hindley from discussing a planning matter affecting him, which the Chairman rightly dismissed. He therefore cannot be considered to be a reasonable person in these circumstances.

This item also refers to judgement of the public interest. As I was voted onto the council with the stopping of access through Monypenny as my main argument, my voting for the motion is clearly with the support of the public.

Signed:

Date:

A handwritten signature in blue ink, appearing to be 'John', written over the 'Signed:' label.

28 July 2008

## PLANNING AND DEVELOPMENT UNIT

DEVELOPMENT CONTROL MANAGER  
Martin Vink BA (Hons) DipTP MRTPI

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Direct Fax (01233) 330682  
E-Mail [lucy.holloway@ashford.gov.uk](mailto:lucy.holloway@ashford.gov.uk)  
Ask For Lucy Holloway  
Your Ref  
Our Ref 06/01780/AS  
Date 18 June 2008



**ASHFORD**  
BOROUGH COUNCIL

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Minicom service

FAO Mr Drew  
c/o Mr Mortimer

Dear Mr Drew

**Location:** Land east of Monypenny, Maytham Road, Rolvenden, Cranbrook, Kent  
**Proposal:** Erection of 10no. affordable dwellings with associated parking and improvements to Monypenny and 6 new covered parking spaces to replace garages for residents of Monypenny.

I refer to your e-mail of 9 June 2008, with reference to the above, requesting information about both the planning application and appeal to assist in your investigation report.

### The planning application process

- Planning application registered: 8 September 2006
- 13-week determination date: 3 November 2006
- Application re-registered 13 October 2006 (given that the contents of the original planning application did not meet the statutory requirements as information was missing)
- New 13 week determination date: 11 January 2007.
- Reported to planning committee 22 November 2006 and deferred for a Members' site visit.
- Planning Committee 13 December 2006 - resolved to refused planning permission.
- Decision issued 20 December 2006.

My response to your questions is as follows:

1. Neighbours were consulted on the planning application 19 September 2006 and comments invited by 13 October 2006. I enclose a copy of the letter sent to neighbours as Annexe 1. Both the addresses of Mr Duncan Murray and Mr Brian Hindley were notified about the planning application. I enclose a copy of the list of the addresses of neighbours notified, together with a site plan which identifies the extent of the neighbour notification area, as Annexe 2 and 3 respectively.
2. The statutory requirement for the publicity of planning applications is found under Article 8 (5)(b) of the Town & Country Planning (General Development Procedure) Order 1995, whereby notice is served on any adjoining owner or occupier (defined as any owner or occupier of any land adjoining the land to which the application relates). This requirement is further expanded in Circular 15/92 "Publicity for Planning Applications". This Council does extend its notification area beyond that required by statute depending upon the nature of the planning application. In this case, given that the proposed development involved the use of an existing access to Monypenny and some dwellings are on the other side of the road to the application site then, the notification area was extended beyond simply those addresses immediately adjacent to the site. One letter of representation was received from Mr Murray and one from Mr Hindley, and these are attached as Annexe 4 and 5 respectively.



INVESTOR IN PEOPLE

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3. In relation to the exact positioning of the proposed development on the site. I enclose a site layout plan that clearly identifies the dwellings on the site and elevations which I have annotated so that you can appreciate the heights of the dwellings and the covered carport at the entrance to the site. These are attached as Annexes 6, 7, 8, 9 and 10 respectively.

Appeal application process

- Following the refusal of planning permission 20 December 2006, appeal lodged 3 April 2007 by way of written representation.
- Neighbours notified 12 April 2007 - enclosed is copy of neighbour notification letter as Annexe 11. Both Mr Murray and Mr Hindley were notified as they wrote in about the planning application.
- I enclose a letter received from each and sent to the Planning Inspectorate, as Annexe 12 and 13 respectively.
- Inspector's site visit 17 July 2007.
- Inspectors decision received 14 August 2007.

I can also confirm that I could not find any reference to Mr Murray and/or Mr Hindley in my pre-application advice file relating to the provision of a site within Rolvenden in relation to local needs housing. I understand that the Rolvenden Parish Council had their own survey team to choose and assess potential sites and the Local Planning Authority had very little input except for commenting upon their acceptability in planning terms.

Yours sincerely



for Development Control Manager



M5

06/01780/AS

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- ,,, 2,, GYBBONS ROAD, ROLVENDEN, CRANBROOK, KENT, TN174LJ
- ,,, 3,, GYBBONS ROAD, ROLVENDEN, CRANBROOK, KENT, TN174LJ
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- ,,, 20,, GYBBONS ROAD, ROLVENDEN, CRANBROOK, KENT, TN174LL
- ,,, 21,, GYBBONS ROAD, ROLVENDEN, CRANBROOK, KENT, TN174LL
  
- ,,, 1 - 33 all,, MONYPENNY, ROLVENDEN, CRANBROOK, KENT, TN174NF
  
- ,,, BULL FARM,,, 0,,, ROLVENDEN, CRANBROOK, KENT, TN174NE
- ,,, BARTONWOOD, 0,,, ROLVENDEN, CRANBROOK, KENT, TN174ND
- ,,, THE VICARAGE, 0,,, ROLVENDEN, CRANBROOK, KENT, TN174ND
- ,,, BARTON LODGE, 0,,, ROLVENDEN, CRANBROOK, KENT, TN174ND
- ,,, LITTLE COURT, 0,,, ROLVENDEN, CRANBROOK, KENT, TN174ND
  
- ,,, THE WHITE HOUSE, 0,,, ROLVENDEN, CRANBROOK, KENT, TN174NE
- ,,, ROLVENDEN WORKING MENS CLUB,,, 0,,, ROLVENDEN, CRANBROOK, KENT, TN174NE
- ,,, SPARKESWOOD HOUSE, 0,,, ROLVENDEN, CRANBROOK, KENT, TN174NE
- ,,, HIGH CHIMNEYS, 0,,, ROLVENDEN, CRANBROOK, KENT, TN174NE

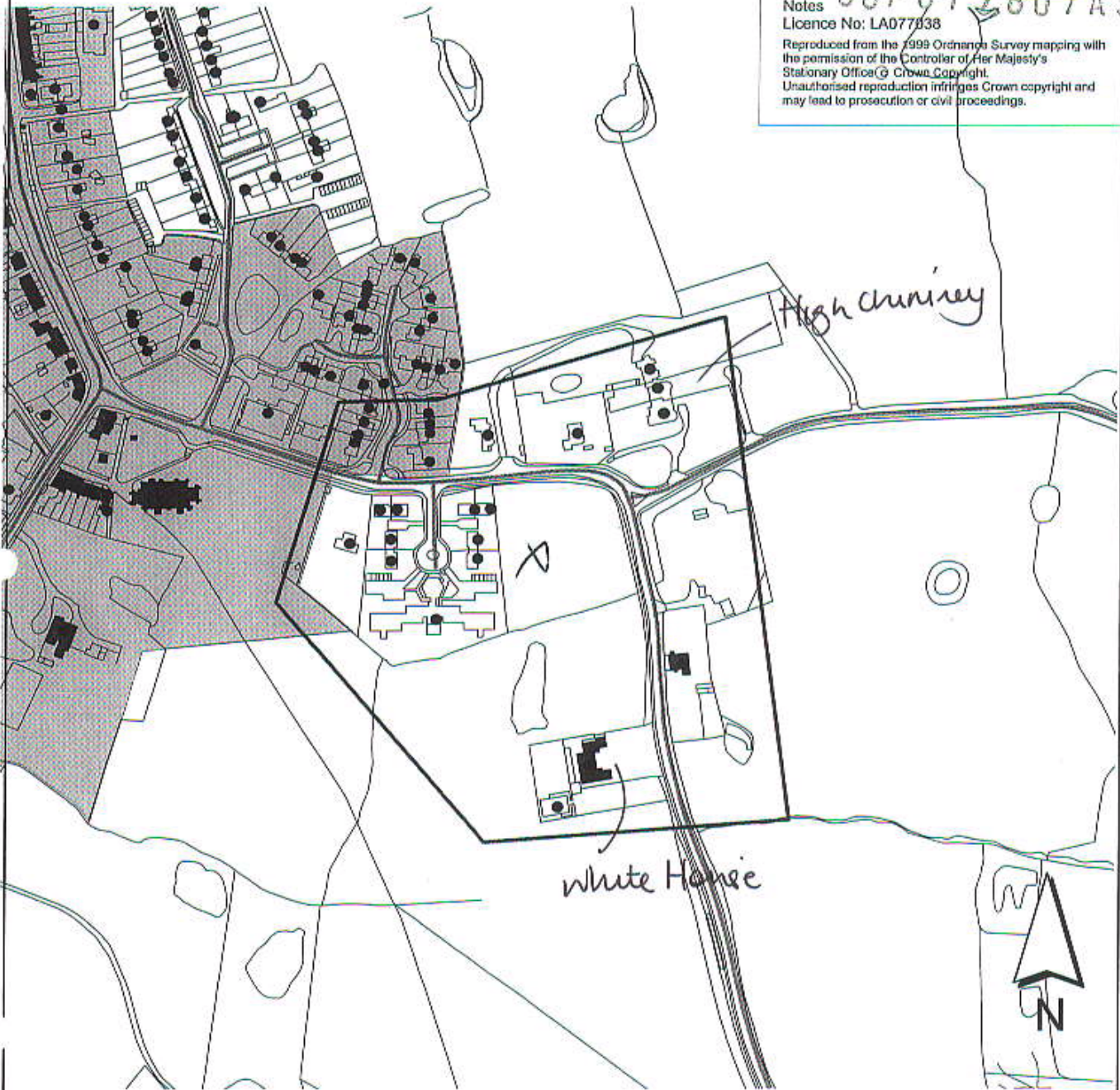
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Parish Council  
Ward member

- see other list ✓ means details sent out.

An M6

Notes 06/01/2007 A  
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## NEIGHBOURS CONSULTED

## ASHFORD BOROUGH COUNCIL

AM 7

PLANNING AND DEVELOPMENT UNIT

DEVELOPMENT CONTROL MANAGER  
Martin Vink BA (Hons) DipTP MRTPI

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Ask For Lucy Northwood  
Our Ref 06/01780/AS  
Date 19 September 2006



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BOROUGH COUNCIL

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Minicom service

The Occupier / Owner  
1 file copy

Dear Sir/Madam,

**NOTIFICATION OF APPLICATION : 06/01780/AS**  
**Full Planning Permission**

**Location:** Land east of Monypenny, Maytham Road, Rolvenden, Cranbrook, Kent  
**Proposal:** Erection of 10no. affordable dwellings with associated parking and improvements to Monypenny and 6 new covered parking spaces to replace garages for residents of Monypenny.  
**Applicant Name:** English Rural Housing Association

This letter is to notify you that the Council has received the above application and that you now have the opportunity to comment on it. You may look at the application:

- a) at our Central Reception in the Civic Centre, Tannery Lane, Ashford between 9.00am and 5.00pm (Monday to Thursday) and 9.00am to 4.30pm on Fridays
- b) at the Gateway Centre, 14 Park Mall, Ashford between 9.00am and 4.00pm Monday to Saturday where a copy can be viewed on a computer link after 4 working days from the date of this letter
- c) on [www.ukplanning.com/ashford](http://www.ukplanning.com/ashford) after 4 working days by quoting 06/01780/AS on the application search page for Ashford Borough Council
- d) or at the Council office at 6/7 The Fairings, Tenterden between 9.00am and 1.00pm and 2.00pm and 5.00pm on any weekday.

**Please bring this letter with you if you visit the offices, as it will speed up your visit.**

If you require a copy of the application for home study only, then the Council's scale of copying charges will apply. These are displayed at the Council's Customer Contact Centres. You should make any representations in writing, in **black ink**, to me by **13 October 2006**. We do not acknowledge letters at the moment but we will take your comments carefully into account when reaching a decision or in making a recommendation.

**Your comments will be immediately available for public inspection and a copy will be published on the Internet. This copy will include all personal details included in the letter. For the comment on the application to be able to be considered you only need to provide your name and address as part of your letter. You do not need to provide your telephone number,**



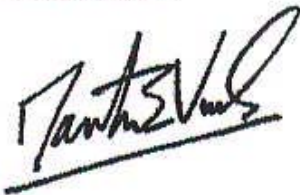
**email address or signature. Not providing these details avoids the risk of them being available on the Internet for use by others. If you email your comments to us please send your comments as an attachment so that we can publish it on the Internet and not have to include your email address.**

We can only notify those people who live nearest the site in this way, however, anybody who hears of an application may comment on it. If you are not the owner of the property, please pass on this letter to the owner.

Most applications are determined by officers of the Council, although some are referred to the Council's Planning Committee for a decision. Planning Committee meetings are open to the public. Should this application be referred to a meeting and you have written in with your views, I will write to you telling you the date and time of the meeting. Members of the public may speak on applications on the Planning Committee agenda and my letter confirming the application is on the Committee agenda will include details about speaking at Committee.

You may also contact your Ward Member, any Borough Councillor or your local Parish Council (copy deposited with the Council) before the date of the meeting to discuss the application. If you require any further information, please contact Lucy Northwood on 01233 330253.

Yours faithfully

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

Development Control Manager

*Enclosure: Guidance upon Representations about Planning Applications \_*

## Sites for Affordable Housing in Rolvenden October 2004

### Summary of the Report

Surveys have been carried out in Rolvenden that have identified a possible need for affordable housing. Rolvenden Parish Council in conjunction with the Rural Housing Trust and Ashford Borough Council identified a site at Glebe Field, Maytham Road in 2002/2003.

At the Parish Council meeting on 12<sup>th</sup> October 2004, it was reported that Ashford Council would refuse a site entrance off Maytham Road due to the dangerous access and important hedgerows and an alternative entrance to the site through Monypenny was being considered.

It is apparent that an access through Monypenny would involve:

- a) Widening the entrance to the access road, and the driveway itself
- b) Demolition of garages and loss of parking spaces,
- c) Demolition of the communal lounge
- d) Considerable extra traffic through the estate for residents of new housing and for their deliveries and collections
- e) Noise and annoyance from a new development in contrast to the current peace and tranquillity.

Due to the severe and unacceptable disruption to the elderly Monypenny residents, the Chairman of the Parish Council agreed to a report on alternative sites.

A comprehensive list of site selection criteria has been identified, the potential sites considered against these criteria, and marks awarded against these criteria in order to achieve an objective comparison of sites. A list of the sites considered to be unsuitable is also given in the report and the main reasons against them are stated.

The following four sites generally meet the criteria and have been included on the short list of preferred sites suitable for this development.

- A. Field, Hastings Road
- B. Land opposite Gatefield.
- C. Football Ground, Tenterden Road
- D. Field beside Tennis Courts, Benenden Road.

Also, a small development opposite the tennis courts could be considered.

It is recommended that more detailed investigations and preliminary surveys should be carried out on the four identified sites to confirm whether they are suitable. Discussions should also be held with the owners of each site to establish their willingness to sell and the likely land cost involved.

A properly informed public debate can then be undertaken before a choice of site is made. If no site is available which safeguards the character of the village and the wishes of the existing residents then the project should be deferred at the present time.

It is recognised that any site will affect some village residents, for disruption and outlook, and that ownership and overall relative costs of sites still has to be addressed.

## 1. Introduction

A potential need for affordable housing in Rolvenden has been identified by two surveys which have been carried out over the last few years. Rolvenden Parish Council (RPC) has been working with the Rural Housing Trust (RHT) and Ashford Borough Council (ABC) and a site at Glebe Field, Maytham Road was identified in 2003.

The Rural Housing Trust presented the current status of the scheme to the Parish Council at a meeting on 12<sup>th</sup> October 2004. They reported that ABC Highways and Planners would refuse to allow an access off Maytham Road due to the dangerous access and important hedgerows and that an alternative entrance to the site through Monypenny was being considered. Due to the severe and unacceptable disruption to the elderly Monypenny residents, the Chairman of the Parish Council agreed to a report on alternative sites. RHT confirmed that a change of site was still possible at this stage.

This report gives details of possible alternative sites that have been identified. The report does not discuss the potential need for these affordable houses. This should be fully and separately investigated so the strength of the need can be weighed against the impact of this housing development in this special village.

RHT are working on a proposed development of 10 housing units. This has generally been allowed in the preparation of this report. However, a smaller development would allow alternative solutions. It may also be considered that smaller developments could be more socially acceptable, allowing the affordable housing to fit comfortably into the community, rather than being seen as something of a segregated development.

## 2. Site Selection Procedure

The following criteria have been used to select preferred sites:

1. Site large enough for 8 – 10 low cost houses.  
One site is also considered with 4-5 houses as it seems appropriate, but this could be extended to all the sites, and the scoring would improve.
2. Well positioned for access to church, school, shops and public transport.
3. Land in a good, undisturbed condition and reasonably level. This will minimise the development and housing costs.
4. Safe access available to the site.
5. Village pavements extend to the site, and the distance to village facilities.
6. The effect that additional traffic from the development would cause to existing residents.
7. The visual impact on the character of the surrounding area, the existing or potential for screening, and space to provide landscaping buffer zones
8. Environmental or ecological issues. This would be checked later with specific site surveys.
9. Minimal number of existing residents disturbed by the new development. Or the site should have space to allow neighbours reasonable levels of privacy and peace and quiet.
10. Straightforward access for construction. Heavy construction traffic will need to be specially considered.
11. Possible useful space for village car parking. This is a well known problem in many parts of the village.
12. Space on site to allow sympathetic and attractive design and development.
13. Problems created by the existing use of site. Most sites are agricultural and the loss would be acceptable
14. Good fit with the "Local Plan" of ABC. The site should be within the confines of the village and its development should not compromise the setting and character of the area.

A number of potential sites in Rolvenden have been considered against these criteria. A list of the sites considered to be unsuitable is given in section 4. The preferred sites are discussed in section 3 and evaluated using a simple scoring system in section 5.

### 3. Preferred Sites

The following four sites generally meet the criteria and have been included on the short list of potential sites.

- A. Field, Hastings Road
- B. Land opposite Gatefield.
- C. Football Ground, Tenterden Road
- D. Field beside Tennis Courts, Benenden Road.
- E. Small development only, opposite tennis courts, Benenden Road

#### Site A – Field, Hastings Road (Score 114, see table, section 5)

Matters in favour of this site:

- Corner of large, open field providing flexibility of design.
- Cheap to buy as agricultural land (exception site)  
The owner has expressed willingness to sell for the purpose.
- Additional traffic generated by this development would go directly onto the A28 causing minimal disturbance to existing residents. This is also a benefit during construction.
- The site is not overlooked by many houses so few existing residents would be disturbed by this development. It is adjoined at the side by a light industrial unit.
- A pavement exists from the site to the High Street to, passing both school and church (distance to Post Office is approx 350m) (The pavement can be constructed into the site, and does not need to extend to the new road access.)
- Room on site for village parking. This could be used by the school, Church and village hall near-by.
- Possibility of a mixed development due to the size of the site.
- The slope would reduce the visual impact of the development from the existing houses and from Hastings Road.

Against the site:

The A28 has a slight bend, requiring some work to ensure visibility in compliance with KCC requirements.

- The development may be visible from Hastings Road on approaching the village.
- The site is on the edge of the village and would extend the curtilage.



**Site B. Land Opposite Gatefield** (Score 110)

**Matters in favour of the site:**

- Reasonably flat and good-shaped site.
- Additional traffic generated by this development would go directly onto the A28 causing minimal disturbance to existing residents
- Good visibility of access from A28, in accordance with KCC requirements.
- No increase to curtilage of village.
- Pavement access to High Street. Distance to Post Office is approx 800m.
- Room on site for parking for the residents of Gatefield
- Cheap to buy as agricultural (exception site) land.
- On existing bus route.
- The slope of the field is away from Tenterden Road and would help reduce the impact of the development. The landscaped buffer zone could be increased to screen the adjacent house.

**Matters against the site:**

- Furthest from village centre of all the preferred sites.
- The development would be visible from the Gatefield housing which faces the A28.

**Site C. Football Ground, Tenterden Road** (Score 100 Or 105)

This type of plot is likely to be given planning permission, in the future, for commercial housing development. Change is probably inevitable, so it may be advantageous to the village to use it for affordable housing when the opportunity is available.

The lower score assumes loss of amenity if the football field is lost or distantly relocated. The higher score assumes that a good alternative is provided.

**Matters in favour of the site**

- Good, safe access off A28, in accordance with KCC requirements.
- On existing bus route.
- Large flat and good-shaped field.
- Room on site for possible village parking. This could be useful for the residents of Gatefield and the High Street.
- No increase to curtilage of village
- Pavement access to High Street on opposite side of road, or extended on same side. Approx distance to Post Office is 700m.
- On this large site a landscaped buffer zone could be introduced near the house on the west side of this field.

**Matters against the site:**

- The need to replace the football field.  
Note: There are possible alternative locations behind the cricket field or adjacent to the tennis courts (site D). This would bring the cricket field, tennis courts and football ground together which would be an obvious asset and would allow a combined pavilion to be built (with possibility of lottery grant)
- There are several adjacent residents who would lose the open views.
- There is a pond on the west side of this field and ecological surveys would be important.

**Site D. Field beside Tennis Courts, Benenden Road** (Score 117)

Matters in favour of the site:

- Very flat site, so economical to develop.
- The site is adjacent to light industrial units so few existing residents would be disturbed by this development.
- Easy access off Benenden Road with good visibility in accordance with KCC specification.
- No increase to curtilage of village.
- Pavement access to High Street. Distance to Post Office is approx 500m.
- Cheap agricultural (exception site) land.
- Possible village car parking on the site could be useful for the cricket and tennis clubs and the existing villagers who park along the Benenden Road

Matters against the site:

- The site is fairly open to views from the sports fields.

**E. Field behind Regent Street Smaller alternative** (scored 112 on criteria)

A compact development of 4 units (compared with 8-10 assumed elsewhere) could be situated at the end of the existing terrace, affecting one house only. The visual and disruptive effect would be much reduced

Matters in favour of the site:

- Access from Benenden road is simple and economic, and complies with KCC requirements.
- The site is flat and economic to develop.
- Proximity to the High street with an existing pavement (distance to Post office is approximately 400m, level).
- Cheap land, as an 'exception' site.
- The footpath over the field leads direct to the school and church, thus encouraging pedestrian traffic.
- A more acceptable scale of development, encouraging better integration into the village arrangement.

Against the site:

- View from Benenden Road of the rear of the High Street properties affected.

#### **4. Unsuitable Sites**

The following sites have been seriously considered but are regarded as being unsuitable. The main reasons against them are stated.

##### **Glebe Field, Maytham Road**

This site scored 65 on the same criteria

The main reason for choosing this site is clear, in that it is an easy and obvious choice as a potential site. It belongs to the Church of England, who are a regular source of potentially cheap land. It is well positioned for access to church, school and shops.

RHT have a policy of targeting 'exception' sites especially those in church ownership. An exception site is one which would not be allowed planning permission for commercial development, but can be for 'affordable' housing. This keeps the cost of the land low.

However, it appears that this site has been selected without proper assessment. When this site was selected it appears that no consideration had been given to the impossibility of safe or legal access from the road. It is clearly not suitable for a new road access from Maytham Road, as it would not comply with Kent County Council (KCC) requirements for visibility and safe access.

Rolvenden Parish Council and the Rural Housing Trust appear to have committed to this site assuming access from Maytham Road would be permitted.

It is noted that the site was selected in contravention of the stated procedures of RHT and before assessing the level of need and the site difficulties.

To overcome the impossibility of safe and legal access from Maytham Road an alternative option for access is through the Monypenny Community. However this would involve demolition of garages, and replacement of the existing parking facilities by providing others in the field. The access roadway would have to be widened. Additionally, their communal lounge would be demolished, with no guarantee that it would be replaced.

Such an access through the community would destroy the tranquillity which is fundamental to its existence. The noise and loss of amenity during construction, and disruption and noise during subsequent occupation would adversely affect the comfort and safety of the residents. The increased traffic movement would compromise the safety of the elderly residents.

Monypenny is a sheltered housing estate, in the control of Ashford Borough Council. The residents are elderly and benefit from the country setting, and the secure and safe environment. It is unacceptable to ruin this environment.

It is estimated that 10 housing units would typically include 10 to 20 children, who would have the benefit of Monypenny's new access road for cycling and playing. Traffic through the Monypenny estate would increase due to the cars of the new development residents and their visitors, and the delivery and service vehicles generated (say 60 movements/day).

The cost of providing a new access through the Monypenny Estate counts against the economic viability of this site. The new road itself is likely to cost £50,000 or so more than to an easier site, adding £5,000 to the cost of each 'low-cost' unit. If a replacement lounge extension, and replacement garaging are added to this assessment then the cost of the site is prohibitive, whether paid for in the new house costs, or subsidised by ABC (rates) or RHT (profits from other schemes).

It was originally intended that the site could also provide additional parking for Village Hall and Church. This is clearly no longer a valid consideration as this traffic (including late-night, after party) could not be tolerated through the Monypenny Estate.

Matters in favour of this site:

- Proximity to the High street with an existing pavement (distance to Post office is approximately 600m, slightly uphill).
- There is a bus service which terminates at Monypenny.
- Cheap land, as an 'exception' site.

Against the Site:

- Access from Maytham Road unacceptable according to KCC Highways design criteria.
- Constructing an access through Monypenny would require widening of access road, removal of garages and parking spaces, and demolition of lounge.
- Proximity to Monypenny would cause disturbance.
- Through traffic a danger to Monypenny residents.
- Through traffic and pedestrians would remove the peace and tranquility of the Monypenny estate.

**Field behind Regent Street** (scored 102 on criteria)

This site, known as Inkermann Field) has already been discounted by RPC. Although not fully identified in their letter it is believed that this is the triangular site between the existing houses on Benenden Road and the footpath across the field. The footpath could readily be diverted around or through a development by application.

As the field is very large, there is potential for many alternative positions and numbers of units. For this exercise the proposed 8-10 units are assumed. The effect on the existing residents and on approaching the village appears to be unacceptable, so the relatively high score (102) is considered to be irrelevant.

**Matters in favour of this site:**

- Access from Benenden road is simple and economic, and complies with KCC requirements.
- The site is flat and economic to develop. The area is large and flexible, allowing attractive and sympathetic design, incorporating screening.
- Proximity to the High street with an existing pavement (distance to Post office is approximately 500m, level).
- Cheap land, as an 'exception' site.
- The footpath over the field leads direct to the school and church, thus encouraging pedestrian traffic.

**Against the site:**

- The view from Benenden Road of the rear of the High Street properties would be lost. Views of the rear of Regent Street and High Street are stated as a 'strong boundary'.
- Disruption to many residents; views would be lost;
- Re-routing of the public footpath.

**Field behind Regent Street Smaller alternative** (scored 112 on criteria)

This variation, with only 4-5 rather than 8-10 units, is considered as a viable option, so is described in section 3.

**Rear of Sparkswood Avenue** (scored 81 on criteria)

Access would be difficult, and increased traffic could cause problems. These possibly preclude any possibility of use.

**Matters in favour of this site:**

- Very close to the High street with an existing pavement (distance to Post office is approximately 300m, level).
- Cheap land, as an 'exception' site.
- Unobtrusive location.
- Not on a main road, with safety benefits.

**Against the site:**

- Access difficult, and possibly expensive.
- Space for only a few units

**Land near Working Men's Club** (Scored 74 on criteria)

The isolated location is sufficient to require this location to be discounted due to the distance from amenities, detrimental impact on nearby listed buildings and the effect on the views from all around, including the setting of Great Maytham Historic Park.

**Matters in favour of this site:**

- An exception site.
- Footpath to the village (800m).

**Against the site:**

- The views from all around would be diminished.
- Difficulty or impossibility of legal road access to KCC regulations.
- Uphill to the village (steep for elderly or very young residents)
- Expensive to form access or develop the site.

**Rolvenden Layne**

The lack of amenities and public transport preclude further consideration.

## 5. Comparison of Sites

Each of the preferred sites has been scored against the list of criteria given in Section 2 above. In order to evaluate and compare the alternatives a score out of 10 has been given. The maximum score is 140.

| Selection Criteria  | Site A<br>Hastings<br>Road | Site B<br>Opp<br>Gatefield | Site C<br>Football<br>Field | Site D<br>ByTennis<br>Courts |
|---|----------------------------|----------------------------|-----------------------------|------------------------------|
| 1. Site large enough for 8 – 10 houses.                                   | 10                         | 10                         | 10                          | 10                           |
| 2. Well positioned for access to church, school and shops                 | 9                          | 7                          | 8                           | 8                            |
| 3. Land in a good, undisturbed condition and reasonably level             | 7                          | 7                          | 8                           | 8                            |
| 4. Safe access is available to the site                                   | 5                          | 8                          | 8                           | 9                            |
| 5. Village pavements extend to the site.                                  | 7                          | 7                          | 5                           | 6                            |
| 6. Additional traffic causes minimal disturbance to existing residents    | 9                          | 9                          | 7                           | 9                            |
| 7. Site is screened and has minimal visual impact                         | 5                          | 6                          | 6                           | 5                            |
| 8. Site has no obvious environmental or ecological issues.                | 8                          | 8                          | 6                           | 8                            |
| 9. Minimal number of existing residents disturbed by the new development. | 9                          | 7                          | 7                           | 9                            |
| 10. Straightforward access for construction                               | 9                          | 9                          | 9                           | 9                            |
| 11. Possible useful space for village car parking.                        | 10                         | 5                          | 5                           | 7                            |
| 12. Space on site to allow sympathetic development.                       | 10                         | 10                         | 10                          | 10                           |
| 13. No problem with existing use of site.                                 | 10                         | 10                         | 3 or 8                      | 10                           |
| 14. Good fit with "Local Plan"  | 6                          | 7                          | 8                           | 9                            |
| <b>Totals</b>   | 114                        | 110                        | 100<br>or105                | 117                          |

All these sites have reasonably high scores and would therefore be possible sites for this development.

Site D (adjacent to tennis courts) has the highest score. It is understood that the Parish Council chose this site in a previous study into affordable housing some years ago. Site A (Hastings Road) and Site B (Opposite Gatefield) are close behind. Site C (Football Field) would have had a similar score if a better replacement site close to the village green were confirmed.

Also a small development opposite the tennis courts could be considered.



6. Conclusions and Recommendations.

1. More detailed investigations and preliminary surveys should be carried out on the five identified sites to confirm their suitability.
2. Discussions should be held with the owners of each site to establish their willingness to sell and the likely land cost involved.
3. A properly informed public debate can then be undertaken before a choice of site is made.
4. If no site is available which safeguards the character of the village and the wishes of the existing residents then the project should be deferred at the present time.
5. A smaller development (4 to 5 units) should be considered as an option to all the proposed sites.

Application Number: 06/01780/AS  
Name: d murray  
Address: The White House  
Maytham Road  
Rolvenden  
Tel:  
Email:  
Date and time of comment left: 04-10-2006 15:48  
Comment Type: Object to Proposal  
Comment:

I object to the proposal to build the development on Glebe Field, and especially to the access via the Monypenny Sheltered Housing driveway.

I should first declare that I have campaigned in this regard for some time, and prepared a report on the options.

For the duration of this procedure the Parish Council has rejected the alternative sites available. I believe that several other sites are greatly superior for the intended purpose but that they have been discounted in contravention of the procedure published by the Rural Housing Trust. Reference to the schedule of discounted sites shows that some were 'not available' whereas RHT say that this does not normally stop them: they can persuade landowners to part with land for the good of the village.

I therefore recommend that the present proposal is refused permission and that a disinterested panel reviews the choice of site, of which there are many.

I support wholeheartedly the need for affordable housing for local people by whatever means: 'affordable housing' or retention of council houses. I also support the need for our elderly residents to be treated with courtesy and compassion, and allowed to retain their quiet location. Both can be provided for by negotiation and persuasion of the local landowners.

With regard to the proposal itself I have several comments.

The access road should have additional speed controls (sleeping policemen) and chicanes to control speed and prevent ingress of large vehicles.

Raised crossing points should be provided for the safe passage of Monypenny residents to cross their road.

The 3m rear planting strip should include a fence to prevent gardens encroaching onto the sensitive land adjacent.

There is insufficient detail regarding the materials and finishes to the houses. With the obvious sensitivity of this location, this information should be provided at this stage of planning for all of us to consider, and not left for officer approval.

For example: gutters are not mentioned, so are likely to be upvc unless controlled at this stage; what are the windows and doors to be made of? ; is 'eternit boarding' (a concrete pastiche of weatherboarding) appropriate to this rural position as it is certainly not 'traditional' as implied. Will 'tiles' be clay or a cheaper substitute?

Sustainability is covered in a few short, and vague, paragraphs. This should have been considered in detail as part of the design and feasibility, and the council should insist on more information at this stage.

The ridge heights could be reduced by choice of the most appropriate roof tiles.

Having studied the quality of various affordable housing schemes, too many 'affordable' houses are clearly 'Low-cost' housing. There should be no compromises with quality.

A condition should be imposed that the development cannot be extended into the field beyond at any future time. This area should be kept as a field for sheep to maintain the rural aspect, or as much as would remain at this important viewpoint when approaching Rolvenden.

To summarise. I am in favour of affordable housing, but not on this site. Other sites are better suited but have not been properly or fairly considered.

The application is in insufficient detail considering the very sensitive location and should be put on hold while information is provided to both the Council and the Rolvenden community for comment.

**The White House,  
Maytham Road,  
Rolvenden,  
Cranbrook,  
Kent, TN17 4NE**

10th May 2007

The Planning Inspectorate  
Room 307 Kite Wing  
Temple Quay House  
2 The Square  
Temple quay  
Bristol  
BS1 6PN

Dear Sirs

**Appeal by English Rural Housing Trust.  
Erection of 10 no affordable dwellings with associated parking and  
improvements to Monypenny and 6 new covered parking spaces to replace  
garages for residents of Monypenny  
Reference 06/01780/AS  
DOE reference APP/E2205/A/07/2041636/NWF**

I write to argue against the development at Monypenny and to refute the case of the appellants.

I am Duncan Murray and I live in Maytham Road, a few hundred metres from Monypenny. Although the proposed development could be seen from my property it would not significantly affect the enjoyment of my home.

My concern in this matter is strictly a humanitarian one, for the well-being of the vulnerable and elderly residents of Monypenny. For the past three years I have endeavoured to dissuade the Parish Council and Rural Housing Trust from pursuing development of this site.

I am a Chartered Civil Engineer and my business is in the design and construction of school, community and commercial projects. I am therefore equipped to evaluate and advise on the suitability of this, and other, sites for the proposed development.

To date, my views have been dismissed by the Parish Council, and not forwarded to the Housing Trust. However, in general, my opinions have eventually been acknowledged by professional advisors when they have become involved.

I have now been elected to Rolvenden Parish Council. I campaigned on the basis that affordable housing was needed, but that this site was unacceptable. My election, and the de-selection of supporters of Monypenny development, demonstrates the concern of the village in this matter.

In particular I will show that:

- 1) Considerable disturbance will be caused to residents by allowing the access through the sheltered Monypenny estate.
- 2) The noise report commissioned by RHT is seriously flawed and its conclusion is wrong.
- 3) There are other, better sites.
- 4) The Planning Officer and the Rural Housing Trust have not properly considered the vulnerable condition of Monypenny residents.

I am responding to the Appeal Document by Anthony Slack, dated 26<sup>th</sup> March 2007, and published on the "UK Planning" website.

The document contains five grounds for appeal, all of which I consider to be invalid. My response generally refers to the clauses of Mr Slack's document.

#### First Ground of Appeal

**In Appeal clause 5** It is claimed that the development can be accommodated without detriment to the Monypenny sheltered housing estate.

Simple site inspection shows that this is incorrect and misguided. The proposal is to form a route through the middle of the estate, passing within 6m of the lounge and 8m of residents' apartments. It will clearly create additional traffic by vehicle, cycle and foot, and hence disturbance.

This would be disturbance enough if it was an estate for able-bodied persons of younger age. When the age and disabilities of the residents is considered then the disturbance is greatly magnified.



This view of Monypenny Sheltered Housing Estate is absolutely typical. It is taken from the entrance on Maytham road. There is very little movement of vehicles or pedestrians. It is a very quiet (sheltered) community.

**In Clause 7** he quotes from a noise assessment which had not been published until last week. At my request Ashford Borough Council have now placed it on the UKPlanning website and it is now available to all. The noise report is misleading and should be discounted.

Everyone acknowledges that there would be additional noise from the additional traffic generated by residents, visitors and service vehicles to and from the affordable housing development. A properly considered survey would have been expected. Instead there is a simplistic and misleading overview by Conrad Acoustics working to an inappropriate brief from the Rural Housing Trust. It suggests that there will be no significant nuisance from noise, but it is seriously flawed.

This result is only arrived at through very significant errors in the assessment:

- a) There is an assumption that the noise level recorded at roadside of Maytham Road is also applicable at the remainder of the estate, much further from the road.
- b) The means of assessment itself is flawed.
- c) There is a statement that road noise is steady when it is not.

I will expand on these points

- a) The noise survey to measure background noise was conducted at the entrance to Monypenny, adjacent to Maytham Road. The results therefore are only relevant to the 2 bungalows at this location. The great majority of dwellings and the communal lounge are to the back of the estate, well back from Maytham Road and would be the most affected. The survey should have included noise assessment beside these rear buildings to provide a realistic reading relating to these quieter areas.

If the survey had been carried out adjacent to the residents' lounge (about 54m from Maytham Road) then a much lower level of background noise would have been measured. This lower level of noise is what should have been compared with the estimated level of newly generated traffic noise. The distance from Maytham Road to the accommodation is 70m, and traffic noise from Maytham Road is barely noticeable.

I have taken advice from an independent acoustics consultant and used his comments in preparing a more technical argument, which is attached as appendix 1.

This shows how misleading the survey by Conrad Associates is, and why this may not have been noticed in the Planning Officer's assessment. The Housing Trust's report seeks to suggest that noise is insignificant by carrying out an inappropriate assessment, which results in a falsely low impact forecast.

- b) The means of assessment is inappropriate, and gives a more biased result than an open-minded assessment would. The method chosen tends to average out the sound from the road, as if it was a busy road. A more realistic survey would use shorter periods of measurement and pay more attention to the effect of the noise on the quiet area. This is further explained in appendix 1.

- c) The report says, in clause 0.3: "although the estimated increase in road traffic noise on Monypenny due to the development could be marginally perceptible it will be masked by the louder road traffic noise from vehicles in Maytham Road".

We can discount the "marginally perceptible" error as explained in a) above, which still leaves the other misleading statement.

I would refer you to the report on traffic speeds in March 2005, attached as appendix 2. This was carried out for Ashford Borough Council by their Highways Consultant. It shows an average of around 650 cars per day on Maytham Road. That is 27 cars per hour, or one every 2 minutes.

It is a quiet road. Ambient sound is the norm. There is no masking road traffic noise from Maytham Road and the noise consultant is wrong to suggest this, and seems to have ignored his eyes and ears.

To summarise, every 2 minutes or so, a vehicle may pass along Maytham Road and register 46dB at the accommodation at the rear of Monypenny (see Appendix 1). This is unlikely to coincide with, will be much quieter than, and certainly would not mask, the noise of a vehicle from the proposed development passing 6m from the Monypenny building and registering an average around 57dB. A difference of 11dB is highly significant.

Conrad Acoustics say in clause 9.8 that "any such increase will be masked by the louder traffic noise from vehicles on Maytham Road". This is clearly untrue and the Planning Officer has been misled.

Therefore the "Noise Report" should be discounted. There will be more noise and it will not be masked by passing traffic. The noise will be significantly increased, especially to the accommodation at the rear of Monypenny.

Additionally, Mr Slack's assumption (also clause 7) that noise is the issue is simplistic. Nuisance is also caused by the very existence of the additional traffic, the distraction caused by its passing (including headlights onto the Monypenny lounge and frontage) and the real and perceived danger caused by it.

It must be remembered that Monypenny is custom built to house such vulnerable residents, with no through traffic being an inherent design feature.

Furthermore, it should be considered whether the daily patterns of the elderly residents are compatible with those of young families. The normal and more active lifestyle of young families would cause disturbance.

This does not seem to have been considered by the Planning Officer.



**In Clause 8** he claims that pedestrian movement from 10 additional houses will cause "no detriment whatsoever". This is clearly an overstatement.

He makes no allowance for the vulnerable state of the residents. Appendix 3 to this letter shows the ages and conditions of the residents, from which it is easy to see that any additional pedestrian movement can cause detriment to these residents, 88% of whom are over 70, and 54% of whom have difficulty in walking.

What is currently a private road with no passage through it would become a public road, with all the consequences of additional movement, children playing and people gathering in the area.

After the village consultation, the Housing Trust added bushes to their proposal, to screen the bungalows from the road. However the Police advisors do not approve of this as it screens potential troublemakers, as confirmed in their report to the Planning Officer.

This anomaly has not been dealt with, and has been ignored by the Planning Officer. However it is clear that the disturbance is acknowledged by both the Housing Trust and the Police.

This first ground for appeal should therefore be discounted.

#### Second Ground of Appeal

**In Clause 9** he claims that the development would enhance the Area of Outstanding Natural Beauty (AONB).

This is a ridiculous suggestion. The very presence, and additionally the height of the houses would make a significant impact on the appearance of the village when approaching from the south. When approaching from the village the current open aspect would be significantly reduced.

This is another matter where one would have expected the Planner to have requested more information. I am not aware of any artist's impression to show the effect. If there were such drawings then the detriment would have been clear to all.



This view from Pixes Lane is of Glebe Field where the 2-storey buildings would be constructed and alter the skyline.



The view onto Glebe Field from Maytham Road would be lost completely, as would the open skyline on leaving the village.

Therefore the second ground for appeal, that the development would enhance the AONB, should be dismissed.

### Third Ground of Appeal

**In Clause 10** he states "The only suitable site ...was the Glebe Field." The report attached to the planning report discusses 9 sites. They were discounted for supposedly well-researched reasons. But further research shows that some are much better suited than Glebe Field, which may have been seen as the easy option (Church owned). Of course, it was not known to the assessors at that time, that road access to Glebe Field was impossible off Maytham Road.

There are others possible sites too. I attach, as a supplement, a report dated October 2004 which was prepared to show the Parish Council that other sites were better, including some of those discounted already. The Parish Council repeatedly refused to consider these alternative sites, claiming that it wished to pursue the Glebe Field option first, and that it would only consider other sites if the Glebe Field option failed.

The Parish Council announced formally to the residents of Monypenny that they would not consider access through Monypenny. They made this promise three times: 16 Nov 2004 and 15 Feb 2005 (also confirmed in the local newspaper, see appendix 3), and 18 Jan 2005. When they were eventually convinced that access from Maytham Road was impossible, rather than turn to the other options as it had said it would, it reversed its decision, and abandoned their promises and the interests of the Monypenny residents.

When the Housing Trust or Planner say that the site was "agreed by all parties" this is untrue. They refer only to selected parties, and do not consider all the sites.

Other sites are better.

**In Clause 11** he states that "The development would sit comfortably in this sensitive landscape" This is not the case: it would sit high above the road and would dominate the area.

**In Clauses 12.and 13** he states that "The development would not in any way detract from the character of the adjoining development".

The appellant is only considering the buildings themselves when discussing the character of Monypenny. The character of Monypenny is not just the buildings, but the whole concept of peace and quiet, and security for residents. It is a peaceful and reassuring space for those who are less able, frail or nervous, and their lives would be upset by a new access through their grounds.

Architecture involves space, ambience and safety, as much as the appearance and choice of materials. The buildings are there first of all to shelter people: the materials and appearance are secondary.

As well as peace and quiet, there are beautiful views from the front area. One area of lawn with a bench has a view across the Glebe Field and to the distance as shown in the picture below. This would become a view of passing traffic, and two-storey houses.



To summarise, the appellant is ignoring the effect on the residents of Monypenny. They have been upset by the whole planning process, the u-turns from the Parish Council, and the absence of support from their landlord Ashford Borough Council. The level of disturbance is easily predicted, but they feel that they are not being protected.

Therefore the third ground for appeal, that "the development would not detract from the character of" Monypenny is incorrect, and the ground for appeal should be dismissed.

#### Fourth Ground of Appeal

In **Clauses 14 and 15** he refers to Planning Guidance documents. I will not attempt to argue Planning guidance, and will leave this to the professional planners. However, I believe that these guidelines are, indeed, departed from when the location and size of the development are considered, along with the rights of the residents of Monypenny.

Therefore I believe that the fourth ground for appeal is also flawed, and should be dismissed.

### Fifth Ground of Appeal

**Clauses 16,17 and 18** The use of exception sites is, by definition, exceptional, and has to meet very strict criteria. Development on exception sites is not exempt from good design practice and should not cause loss of amenity and security of existing residents. This is especially the case when other sites are better.

**Clauses 19 to 22** comment on confusion between the officer's report and the councillors' decision. This is because the Officer has not considered the case with sufficient weight to the disturbance that would be caused, whereas the councillors have.

The Officer's report indeed does not mention these grounds given for refusal. But then the Officer's report makes little or no mention of the effect on the residents and therefore is incomplete. The councillors were right to add their own reasons for refusal.

The Appellant states that "the proposal accords with the development plan in every respect" This is clearly untrue.

Again the Planning Officer has not investigated the true effect of the proposal. A failure to report a problem does not mean that the problem does not exist.

- A) There ARE other sites better than this one.
- B) The effect of the development on the residents would be severe, traumatic. And irreversible.

Therefore the fifth ground for appeal is considered to be irrelevant. It is already covered by the earlier matters relating to nuisance and spoiling of the environment. This ground for appeal should therefore also be dismissed.

It is worth emphasising that there has been some disinformation circulated by Parish Council Members in order to promote the Monypenny development.

1. That the residents are not as old or infirm as they allege. Please refer to appendix 4, which summarises the residents' ages and conditions. Such an exercise does not appear to have been carried out by Ashford Borough Council and the planning officer has not applied sufficient weight to this fundamental issue.
2. That this is the only site. There are others, and better. The difficulties are that some are owned by influential parties who have vetoed their consideration from the outset, in contravention of the means of procurement suggested by the Rural Housing Trust. Others have just not been properly considered. Impartial assessment, followed by skilled and

diplomatic negotiation could have (and still can) result in a better site being obtained.

3. That direct access is possible off Maytham Road. All professional parties have now accepted that this is not feasible, being contrary to highway design parameters for road safety.
4. That the Parish Council and the villagers approve of this development with access through Monypenny. This is simply not true. The Parish Council was never unanimous on the choice of the Glebe Field and a very large number of Rolvenden residents campaigned vigorously against it.

The Parish Council publicly assured Monypenny residents that access would not be allowed through their estate. Some of the councillors have reneged on that assurance but others remain firm to their promise.

The survey of village views was held at the exhibition organised by the Rural Housing Trust, and did not ask if alternative sites would be preferred.

I should point out, for clarity, that I have recently been elected to the Parish Council. My platform was that the development of low cost housing should not be at Monypenny, but elsewhere. The former chairman and another councillor who actively promoted Monypenny as a site have both lost their seats. I believe that the endorsement of the village confirms that mine is the majority view.

### Summary

The appellant's claim should be rejected. The five grounds for appeal are weak or misguided, and often based on misleading information.

**1<sup>st</sup> ground of appeal.** "the proposed development can be accommodated without detriment to the Monypenny Estate"

**Reason to dismiss:** Noise and visual disturbance to residents. Insecurity caused by vehicles and pedestrians passing, or lingering. Strangers passing though the estate. Open-ness lost around and within the estate. Loss of countryside views and aspect.

**2<sup>nd</sup> ground:** "the development would enhance the AONB".

**Reason to dismiss:** It clearly would not enhance the AONB. It would be the construction of unexceptional dwellings on a sensitive and outlying portion of the village which has a very important and pleasing aspect.

**3<sup>rd</sup> ground:** "the development would not detract in any way from the character of the adjoining development"

**Reason to dismiss** The fundamental character of Monypenny is the peacefulness and security for the residents. This would be lost forever, to the disadvantage and distress of the residents.

**4<sup>th</sup> ground:** "the proposal is considered to be entirely consistent with all three PPSs."

**Reason to dismiss** Just because the Planning Officer does not consider certain elements, and so does not mention them in the report, it does not follow that the guidelines are properly adhered to. My arguments show that the Officer has been misled and has not sought out the information required for a proper assessment.

**5<sup>th</sup> ground:** "the proposal accords with the development plan in every accord".

**Reason to dismiss** As for ground 4, the Planning Officer has not considered the negative effects properly, and has been misled in certain respects. The proposal, therefore, does not accord as claimed.

For all these reasons the planning appeal should be dismissed and the proposal rejected. The Borough Councillors could readily see, during their site visit, the obvious and unacceptable disturbance that would be caused to the residents. This had not been properly researched or identified in the Planning Officer's report. The residents of Monypenny should be allowed to live on in peace and security without a new access through their grounds.

Yours faithfully

**Duncan Murray**

## **Appendix 1.**

### **Noise assessment**

The applicant did not take measurements of sound levels adjacent to the apartments at the rear of the estate, thus presenting misleadingly high figures.

In the absence of a measurement of noise at the lounge and flats we can make an assessment.

The level recorded at roadside is stated by Conrad Acoustics as 55.6dB and we shall assume that this was taken at 6m distance from the road. After accounting for the effect of distance (for road traffic noise this is  $10 \times \log$  the ratio of the distances, which equates to a 3 dB reduction per doubling of the distance) we can expect the realistic level to be about 48dB beside the residents' lounge, a distance of 54m from the road.

At the rear apartments the sound level will be 46dB, i.e. 11dB quieter than Conrad Acoustics report suggests.

A forecast of future additional noise within the estate should be based on an existing estimated flow of 24 vehicles with an additional 34 movements per hour, which gives an increase of 4 dB at the entrance.

The use of the CRTN method (which uses 18 hour traffic flows) for such a small development is not seen as representative of what happens over a typical 1 hour period and will average out the noise impact over a long period. It is more appropriate to do an assessment using 1 hour noise levels for a busy morning rush hour, say between 7am - 9am, and then for a quieter morning period, say between 10am - 11am, and then calculate the noise from increased road traffic over those 1 hour periods. A shorter assessment period of 1 hour would indicate the noise impact more accurately for short-term noise impact and represent the disturbance to local residents.



## Speed Bins and Stats

CustomList-36

Site: 20050013.0EW  
 Description: Maytham Road - Rolvenden <60mph>  
 Start time: 00:00 Thursday 17 February 2005 => 00:00 Tuesday 01 March 2005  
 Scheme: Vehicle classification (Scheme F)  
 Filter: Cls(1 2 3 4 5 6 7 8 9 10 11 12 13 ) Dir(W) Sp(5,140) Sep(>0)

Virtual Week (Partial weeks = 1.71)

| Time | Total | Vpp  | Mean | SD  | Vbin | Vbin | Vbin | Vbin | Vbin | Vbin | Vbin | Vbin | Vbin | Vbin | Vbin | Vbin | Vbin | Vbin | Vbin | Vbin | Vbin | Vbin |   |
|------|-------|------|------|-----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|---|
|      |       | 85   |      |     | 0    | 5    | 10   | 15   | 20   | 25   | 30   | 35   | 40   | 45   | 50   | 55   | 60   | 65   | 70   | 75   | 80   | 85   |   |
|      |       |      |      |     | 5    | 10   | 15   | 20   | 25   | 30   | 35   | 40   | 45   | 50   | 55   | 60   | 65   | 70   | 75   | 80   | 85   | 140  |   |
| Mon  | 713   | 24.2 | 21.2 | 3.5 | 0    | 3    | 37   | 180  | 418  | 70   | 5    | 1    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0 |
| Tue  | 670   | 24.2 | 21.6 | 3.2 | 0    | 1    | 19   | 148  | 432  | 64   | 3    | 3    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0 |
| Wed  | 516   | 23.3 | 20.6 | 3.0 | 0    | 1    | 20   | 177  | 287  | 30   | 1    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0 |
| Thu  | 737   | 24.4 | 21.3 | 3.7 | 0    | 11   | 33   | 160  | 454  | 79   | 1    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0 |
| Fri  | 762   | 24.6 | 22.0 | 2.8 | 0    | 1    | 8    | 156  | 503  | 89   | 5    | 1    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0 |
| Sat  | 691   | 25.3 | 22.3 | 3.4 | 0    | 4    | 14   | 126  | 427  | 111  | 8    | 2    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0 |
| Sun  | 465   | 24.8 | 22.1 | 3.2 | 0    | 1    | 9    | 96   | 294  | 60   | 6    | 1    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0 |

Appendix 2.

71

95

Appendix 3

# COMMUNITY LIFE

Perfect World is a song in the darkness, a story of hope, for the future and for now.

Rhema Theatre Company is a professional touring company based in Manchester and Perfect World is touring churches, schools and prisons throughout the country. Tickets are £5 per person. For details or tickets, telephone 01892 837617.

**THE PADDOCK** Wood Citizens' Advice Bureau needs more volunteers. If you can spare a few hours each week, are keen to develop new skills and enjoy being part of a team, then the CAB wants to hear from you. Telephone Carlton Andrews on 01892 832977.

**AT THE** last meeting of the Royal Naval Association, members were told that a veterans' badge was available for all those who served in the second world war.

There is to be a service in Westminster Abbey on July 10, 2005, for second world war veterans.

The Trafalgar Night dinner was a great success. A special thanks was given to shipmate Yvonne Broad who, along with others, worked hard to ensure the night went well. Next year's Trafalgar dinner marks the 200th anniversary of the Battle of Trafalgar.

The chairman of the local group, shipmate Alex Fry attended the area two meeting on

Saturday as an observer.

There was quite a good turn-out for Remembrance Sunday.

The next meeting will be a social event at Paddock Wood Club on Monday, December 13, when it is hoped that as many as possible will be able to attend. Anyone wishing to become a member of the RNA can contact Bob Broad on 01622 872281. Members would like to wish everyone a very merry Christmas and a happy new year.

**Rolvenden**

Report by  
**IRENE  
NEWMAN**

01580 241813

**THE FRIENDS** of Rolvenden School are holding a Christmas Fair in the village hall on Friday, December 3, from 2.30pm to 4.30pm.

There will be activities for the children after school and the hall will be packed with stalls with gifts for all ages.

There will be hand-made jewellery, Christmas cards, Christmas decorations and a raffle, tomboja, cake stall and Pin the Nose on Rudolph.

Father Christmas will make an appearance before he gets really busy.

There will be tea, squash and cake available. So come and support a good cause rais-

ing money for the local school. Contact Sue Dyer on 240925 if you can help or support in any way.

**IF YOU** need to advertise your forthcoming event, you can do this free of charge in the events brochure, produced by Ashford Borough Council.

This year, the council produced an informative and attractive colour leaflet with a print run of 6,000. This was distributed via the Tourist Information Centres in Ashford, Tenterden and the McArthurGlenn Designer Outlet.

Stocks were also supplied to other TICs in the area, the Town Centre Partnership, who racked them in County Square Shopping Centre and local attractions.

They are hoping to make the 2005 events leaflet even better and aim to have this available to the public by Easter 2005.

Don't miss this chance to advertise your event free of charge to residents and visitors.

Ensure you include the following information:

Date, time, brief description, venue, admission charges, any restrictions (ie accompanied children only), contact name and telephone number. Your information should then be forwarded to Tracey McKeen, Tourism Operations Officer, Ashford Borough Council, Civic Centre, Ashford, TN23 1PL.

**ROLVENDEN** footballers won Saturday's Cup game against Woodchurch 4-0.

Rolvenden's goals came from Albert Adams, Shane Simms and Kelvin Stoworthy (two). Tomorrow (Saturday) the side is away to Lydd.

**ROLVENDEN** Farmers' Market is holding its Christmas market on Thursday when all the regular stalls will be there with a special seasonal emphasis as well as craft stalls. You can buy a Christmas tree and order fresh turkeys and geese for delivery in the week before Christmas.

The market is held every Thursday morning from 10am to 12noon in St Mary's Church and the village hall opposite.

The raffle at last week's farmers' market raised £43 for the Rolvenden Farmers Line which supports young people with learning difficulties.

**ROLVENDEN** Club has cancelled its skittles evening tomorrow (Saturday). Instead it will be on Saturday, December 4.

There will also be a quiz night on Friday, December 10.

**THE SCHEME** to build 10 affordable housing units on the Glebe field site on Maytham Road was under discussion again at last week's parish council meeting which was also attended by 28 residents who strongly opposed the entrance to the

proposed site through Monypenny.

Parish council chairman Edward Barham gave an assurance to those present that an access road through Monypenny was not acceptable to the parish council. If this site were to be used then there would have to be a direct access off Maytham Road to the Glebe field.

The Rural Housing Trust has now commissioned highways to carry out a traffic survey in Maytham Road to see if such an access would be acceptable to them.

If the traffic survey is negative then the parish council will consider alternative sites in the village.

In this respect, residents Murray, Oulton and Associates have drawn up a report on possible alternative sites. This suggests four other main sites and some other subsidiary sites worthy of consideration.

However the owners of these sites have not been contacted to see if they would be willing to sell them for the housing project.

The parish council agreed to wait for the outcome of the traffic survey before looking at alternatives to the Glebe field.

The ponds on

Sparkeswood Avenue have been surveyed by Ashford Borough Council which has proposed a plan for their maintenance. At the meeting the parish council agreed to a planting scheme for the ponds which would include both edging and floating plants, bulbs and a second bench to be sited near the larger pond.

The council would also like to appoint a local pond warden for the two ponds. If you are interested contact any council member or clerk Jackie Serra on 01580 241347.

Plans for a mobile phone mast on the Hastings Road near the Hexden Channel have been agreed on appeal under the condition that it is disguised as a dead elm tree whose colour and finish have to be agreed with Ashford Borough Council.

A change of use to a private dwelling has been agreed for the old doctor's surgery on the High Street.

**ST MARY'S** Church services on Sunday: 8am and 6pm Holy Communion, 10.45am Matins.

You can call at St Mary's Church for a coffee and chat from 10am to 12noon every Thursday morning during the weekly Farmers' Market.

## Sandhurst

Report by  
**JANE  
RICHARDSON**

01580 851074

**SANDHURST** Social Club is offering a 16-week guest trial period with a view to increasing its membership.

The events at the club for December are as follows: Fish and Chip Supper Quiz Night, December 4; Christmas Corgi Capers, December 11; Casino Night, December 18; Christmas Eve Disco, December 24, and New Year's Eve Disco, December 31.

The club is open every evening and also lunchtimes at weekends. For details contact Charlie during opening hours, on 01580 850578.

**SANDHURST** Nursery School will be holding its Christmas Fayre on Saturday, December 4, from 10am to 12noon. This event is being held at the Old School.

**SANDHURST** Football Club played at home to Bexhill on Saturday. Our home team celebrated with an amazing 10-2 win. Tomorrow (Saturday), Sandhurst will be playing against Heathfield Hotspurs in a cup

match at 1.30pm. Fingers crossed for another triumphant result.

**THE NEXT** parish council planning and playing fields meeting is at the Old School hall on Tuesday, December 7, at 7.30pm. Members of the public are welcome to attend.

**THE MOBILE** Library visits Sandhurst each Tuesday afternoon and calls at the following areas: Sandhurst Cross, 12.30pm to 12.45pm; Tanyard, 1.55pm to 2.10pm; The Old School, 2.15pm to 2.40pm and Linkhill, The Harrier, 2.50pm to 3.05pm.

A selection of books are stocked on board to borrow free of charge and there is also a variety of videos to rent on a weekly basis for a minimal charge.

**THE AMENITY** refuse lorry will be in Sandhurst tomorrow (Saturday). The lorry will be picking up at the following locations: Lomas Lane, 8am to 8.25am; Ringle Green, 8.30am to 9am; Back Road, 9.05am to 9.35am; Tanyard, 9.40am to 10.20am and Sandhurst Close, 10.25am to 11am.

**IF ANYONE** has Christmas events planned, which they would like me to mention, ring me on 01580 851074.



**RENAULT SCENIC**

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Appendix 3 p2.  
 'The Courier'  
 March 4th 2005

Report by  
**HELENE  
 NEWMAN**  
 01580 241818

**ROLVENDEN** Ramblers is a new walking group being set up to carry out evening walks in Rolvenden and surrounding parishes including areas farmed by small-holders and farmers participating in the local farmers' market.

During the walks, livestock, crops, flora and fauna as well as sites of interest, will be pointed out.

For details telephone Sue Sagers on 01580 241055 or write to her at Rolvenden Farmers Line, Lowden Manor, Rolvenden Layne, Cranbrook TN17 4PX.

**PILATES** classes take place in the village hall gallery on Mondays from 2pm to 3pm.

The classes are designed to improve your posture, make you look leaner and increase your overall health.

The classes are under the expert tuition of Body Control Pilates instructor and health expert John Dent.

For details call John on 07976 358778.

**THE ROLVENDEN** parish council meeting on February 15 discussed:

Local housing needs scheme - Chairman Edward Barham, reported that a further traffic survey was to be made to assess whether direct access was possible to the chosen Glebe Field site.

A number of residents were given time to comment. Council members confirmed that they were not in favour of an access through Monypenny to the Glebe Field site.

Members agreed by a majority vote to accept a quotation of £1,500 to put the new village sign on the grass verge opposite the Star Inn.

A vehicle had knocked down the village pump, opposite the Star Inn. Mr Hook agreed to repair it.

It was reported that the school crossing woman on the A28 outside the primary school had nearly been run down on

residents on the main issues before the meeting.

**ST MARY'S** Church services on Sunday: 8am Holy Communion, 10.45am Holy Communion, 6pm Evensong.

You can call in to St Mary's Church for a coffee and a chat from 10am to 12noon on Thursday mornings during the farmers' market.

**Rusthall**  
 Report by  
**ALISON  
 NORMAN**  
 01892 549182

**MANOR** Road Pre-school will hold its Easter coffee morning tomorrow (Saturday) in the URC Hall. Doors open at 9.30am. Stalls, include a raffle and cakes, plus an Easter bonnet competition, with a small gift for everyone taking part.

**RUSTHALL** bonfire and entertainment committee will hold its annual meeting on Monday in the URC Hall, Manor Road, at 8pm.

**THERE** will be a Mother's Day golden hour tea at the Rusthall Evangelical Church on Sunday at 4pm, starting with a short service, where you can choose your favourite hymns, followed by a Sunday tea. Call Dave Court on 532335 or Ian Evans on 520568.

**WOMEN'S** World Day of Prayer will be at 2pm today (Friday) at St Paul's Centre.

Let Our Light Shine is the theme, prepared by the women of Poland. Mable Smart will lead and Shirley Steel will be our speaker.

**THE FIRST** planning meeting for the holiday club will be on Wednesday, March 23, at 8pm at the Rusthall Evangelical Church, Westwood Road.

A notice will go to all who have been involved. If you would like to know more come to the meeting. Call Rosemary Romano on 539005 or Brenda Evans on 520568.

**THANK** you to all who supported the quiz on Saturday. A total of £183 was raised, and as the tsunami appeal has closed, a vote was

**JANE  
 RICHARDSON**  
 01580 851074

**A SPRING** Craft and Special Occasion Fayre is at the Old School Hall tomorrow (Saturday) from 10.30am and refreshments will be available.

All the proceeds from bookings and the raffle will go to Bodiam Pre-school start up fund.

**SANDHURST** Primary School needs a crossing patrol person.

If anyone could spare a few hours a week contact either the headmaster Mr Edgesmith or the secretary Mrs Patridge on 01580 850288.

**A FAMILY** service is at St Nicholas Church on Sunday at 11.15am to celebrate Mothering Sunday. Poses will be distributed.

**SANDHURST** Football Club match on Saturday was called off.

Tomorrow (Saturday) the team plays at home against Castleham at 3pm.

**SANDHURST** Cricket Club has organised a quiz on Saturday, March 12, at Newenden Village Hall at 8pm.

Tickets are £4 per person and there may be up to eight people per team. Bring your own refreshments.

For details or ticket inquiries, call Bryan Feaver on 01580 752448.

**THE AMENITY** refuse lorry will be in Sandhurst tomorrow morning (Saturday) and will call at Lomas Lane from 8am to 8.25am, Ringle Green from 8.30am to 9am, Back Road from 9.05am to 9.35am, Tanyard from 9.40am to 10.20am and Sandhurst Close from 10.25am to 11am.

**Sherwood**  
 Report by  
**JACKIE  
 JOHNSON**  
 01892 546777

**WHAT'S** on at the Community Centre: Monday, Spa cafe from 10am to 12noon; Tuesday, Homestart from 10am to 12noon; Ace-lightning youth group from 6.30pm to 8pm; Wednesday, Spa Cafe from 9.30am to

10.30am to 12noon. **AT ST PHILIP'S** Church the group meetings start on Mondays. Golden Years at 1.45pm followed by Crusaders at 6.30pm and Spys at 8.15pm; Tuesday Women's Fellowship at 1.15pm; Friday Coffee Shop Fridays from 9.30am to 11am, followed by Sunshine Club from 3.15pm to 5pm.

**THIS** week's services at St Philip's: Sunday, 8am Holy Communion; 10am All-age parade service for Mothering Sunday; 6.30pm cafe-style service for Fairtrade fortnight. Thursday, 9am to 9.30am Morning Prayer.

**ON SATURDAY** afternoons from 2pm to 4pm at the YMCA there is a badminton club which is looking for new members of all levels.

**THE CYBER** Cafe at St Philip's is open every Wednesday from 9am to 12noon. A creche is available from 9.30am to 11.30am.

**THE CHARITY** Irish Night at the Spa Hotel on Friday, March 18, is in aid of the Pickering Cancer Drop In Centre, 7.30pm until 12midnight.

Entertainment provided by the Barlmix Group. Cost £20 per ticket includes meal of sausage, mash and beans, with a glass of wine and a reception drink, contact Pauline Taylor on 01892 543705 for tickets or details.

**THE JUMBLE** sale at the Community Centre last week raised more than £50 for charity.

**TOMORROW** (Saturday), there is a quiz night at the Community Centre at 7pm. Cost £1 per person, or £5 per team of six.

**South Tonbridge**  
 Report by  
**SAMANTHA  
 ARCHER**  
 01732 359461

**TONBRIDGE** Volunteers need drivers. The centre runs a scheme which takes elderly and disabled people to medical appointments.

More drivers are always needed. A mileage allowance is paid to cover expenses.

**Appendix 4.**  
**Summary of the Ages and Disabilities of Monypenny Residents.**

**Age ranges**

|          |            |
|----------|------------|
| 50 to 60 | 1 person   |
| 60 to 70 | 3 persons  |
| 70 to 80 | 12 persons |
| 80 to 90 | 17 persons |
| over 90  | 2 persons  |
| Total    | 35 persons |

So 88% are over 70 years old and 54% are over 80

**Mobility**

54% (19 residents) have serious difficulty walking. They are very slow, use sticks, frames or wheelchairs.

**Eyesight**

23% (8 residents) have serious visual disabilities. 2 are almost blind

**Hearing**

14% (5 residents) are deaf or have serious hearing problems

Many of the residents have had strokes, or have serious illnesses and two have dementia.

**ROLVENDEN PARISH COUNCIL**

Minutes of the **PARISH COUNCIL ANNUAL MEETING** held **TUESDAY 15<sup>TH</sup> MAY 2007, 8PM**, The Gallery, Rolvenden Village Hall, for the purpose of transacting the following business.

**Present:** Mr S.Bryant, Mr B.Hindley, Mr M.Hook, Mr E.Hoad, Mr D.Murray, Mrs I.Newman, Mr A.Pitt, Mr J.Probyn, Mr J.Wilkins, Mr E.Barham-retiring chairman, Mrs J.Serra, Clerk to the Council, the correspondent for the local press, and three residents.

**Apologies for absence accepted from** Ward Member, Cllr Mrs J.Hutchinson

Mr Barham chaired took the chair for the meeting for the first three items of the agenda.

1. **Declarations of Acceptance of Office**-were signed by all elected members
2. **Register of Members' Interests**- declarations completed by members to be given to clerk in order to be returned to the Monitoring Officer, Ashford Borough Council- Declarations were completed and returned by all members.
3. **Election of Chairman for the Parish Council.** -Nominated- Mr J.Wilkins and Mr D.Murray.  
Mr. J.Wilkins was elected as Chairman. Mr Barham passed the Truncheon of Office to Mr Wilkins. Mr Barham, not having been re-elected, left the meeting.
4. **Declaration of Acceptance of Office of Chairman**- was signed by the Chairman, Mr J.Wilkins
5. **Election of Vice Chairman for the Parish Council** -Nominated Mr Hindley and Mr Hook.  
Mr Hook was elected as the Vice Chairman.
6. **Declarations of Members' Interests** under the Code of Conduct adopted by the Parish Council 18<sup>th</sup> March 2002, relating to items on this agenda were made here:  
Mr S.Bryant- item 16- personal/prejudicial interest as contractor presenting the quote for the safety fencing., also item 17[[iv]][b] personal/prejudicial interest, grass cutting invoice presented for payment. and item 18-other matters- grass verge.  
Mr J.Probyn - item 10 [[ii] planning application TC/07/00078/AS personal/prejudicial interest as the applicant.  
Mr D.Murray- item 10[[iv] personal/prejudicial as neighbour adjacent to the proposed development.. Appeal APP/E2205/A/07/2041636/NWF- English Rural Housing Association. Erection of 10no. affordable dwellings with associated parking and improvements to Monypenny and 6 new covered parking spaces to replace garages for residents of Monypenny. Land east of Monypenny Maytham Road, Rolvenden  
Mr Hindley- item 16 Cricket Field/fencing - personal as President of Rolvenden Cricket Club
7. **Election of Representatives to the following**
  - [a] **Village Hall Committee**- Mrs I.Newman
  - [b] **John Gibbons Educational Trust**- presently Mrs Button, Mrs King, Mr Linklater & Mrs Wood.- elected
  - [c] **Rolvenden Non Ecclesiastical Charities** - at present- Mr Codgbrook, Mrs Newman, the Revd.Green & Miss Vinson..-all re-elected.
  - [d] **War Memorial Trust**- presently Mr Hindley, Mr S.Bryant and Mr J.Probyn
  - [e] **Kent Assoc.of Parish Councils** - two representatives for the parish council- Mr Murray would consider taking on the task subject to receiving more information
8. **Minutes** of the parish council meeting held 17<sup>th</sup> April 2007, copies previously had been sent to all members, were agreed, approved, and signed as a correct record
9. **Minutes** of the ANNUAL PARISH MEETING held 26<sup>th</sup> April 2007, copies had previously been sent to all members. A correction was made to the capital figure given for the Basil Russell Trust. Following the adjustment the minutes were approved and signed as a correct record.
10. **Planning**- all related matters
  - [i] Applications for CONSULTATION received from Ashford Borough Council were considered **07/00565/AS** Erection of replacement dwelling with the addition of garage/garage store and study extension[amended scheme] Rubens Lodge, Sandhurst Lane, Rolvenden. Plans viewed and discussed. Concern at the removal of spoil in relation to the original consent which stated it was to remain on site  
No other comments or objections

**10. Planning [i] contd.**

/07/00679/AS Internal re-arrangements to re-configure one residential unit and create a second one out of redundant servant area. Great Maytham Hall, Maytham Road, Rolvenden. Plans viewed and discussed. No objections or comments.

/07/00712/AS Removal and re- location[and remodelling] of conservatory, construction of two storey extension together with internal alterations and insertion of three small windows to existing first floor., Thirnden, Thornden Lane, Rolvenden Layne. Plans viewed and discussed. Members objected to the proposal with concerns of the effect the extension would have on the symmetry of the existing house.

07/00676/AS Demolition of existing bungalow, garage, dog kennels and sundry buildings etc. Removal of mobile home/caravans. Erection of 2 new dwellings and garages. Great Jobs Cross Bungalow, Hastings Road, Rolvenden..Plans viewed and discussed. No objections or comments.

[ii] Applications for CONSULTATION received 8<sup>th</sup>-15<sup>th</sup> April 2007 from Ashford Borough were accepted and considered at this meeting.

[ii] Applications for CONSULTATION received 8<sup>th</sup>-15<sup>th</sup> May from Ashford Borough to be accepted and considered

TC/07/00078/AS To fell two Leyland cypress and replace with smaller native species, 22-24 Maytham Road, Rolvenden Layne. Mr Probyn declared his interest as the applicant but remained in the room. The Parish Tree Warden had been contacted and had no objections. Members had no other comments.

07/00815/AS Construction of a conservatory, re-direction of neighbour's drive and erection of 1.8m high screen fencing. Little Ranters Oast, Benenden Road, Rolvenden- plans viewed and discussed. Members made no objections or comments.

[iii] Permission GRANTED by Ashford Borough to the following applications were noted

TC/07/00070/AS -Remove to hedge level one Ash tree-11 Maytham Road, Rolvenden Layne

TC/07/00069/AS Crown lift to up to 4m above ground one oake tree- Rolvenden Cricket field, Regent Street, Rolvenden.

/07/00275/AS Single storey rear extension and new boundary wall, 1 Old Regent Drive, Rolvenden. Two conditions

/07/00370/AS Erection of a detached double garage and the erection of a single storey side and rear extension, Puddingcake House, Puddingcake Lane, Rolvenden. Three conditions

[iv] Appeal APP/E2205/A/07/2041636/NWF- English Rural Housing Association, Erection of 10no.affordable dwellings with associated parking and improvements to Monypenny and 6 new covered parking spaces to replace garages for residents of Monypenny. Land east of Monyoenny, Maytham Road,Rolvenden. Letter sent on behalf of Rolvenden Parish Council.

There was some concern expressed at the lack of written confirmation from the Housing Association that the dwellings would be provided only for people from Rolvenden. Three members had not agreed to sign the letter sent by the Chairman as they objected to the access being through Monypenny. A second letter had been sent by two members on an individual basis. Another letter to be sent clarifying the first letter was sent with a majority decision of the parish council.

[v] Kent County Council- Kent Minerals Development Framework-notification of site allocation representations consultation.- for information-noted

[vi] Ashford Borough Council - Notification of changes to the submitted Core Strategy.-for information.-noted

[vii] Other planning related issues not raised elsewhere on this agenda -accepted and considered.-none

**11. Ashford Borough Council- all related matters- accepted and considered at this meeting-none**

**12. Kent Assoc of Parish Councils- all related matters to be accepted and considered at this meeting**

[a] Ashford Area Committee Meeting- AGM Wednesday 6<sup>th</sup> June 2007, Civic Centre, Ashford 7pm

[b] Local Council Review[LCR] -official journal of the National Association of Parish Councils-copy received.- noted [c] Parish news no.324- copy given to all members.

[d] Councillors Information Day Saturday 16<sup>th</sup> June, Harrietsham, copy of agenda to all members who were to inform the clerk if they wanted to attend.

13. Kent Police - [a] Parish Forum-next meeting 30<sup>th</sup> May 2007, Tenterden- Mrs Newman to attend

14. Action with Communities in Rural Kent- [a] Rural News issue 81- copy to all members.

**15. Public Rights of Way[PROW]** - footpaths in the parish requiring attention. A list identifying the problems had been received including the one from the parish annual meeting- One member was to contact the landowner in order to remove the sign and unblock footpath AT49 – there was some doubt as to whether this path was now clear and it was to be monitored. The Clerk had been informed of the stile being replaced on footpath AT35-Little Halden Farm. The stile had been replaced with a gate on the footpath at the back of Great Maytham Hall and it was hoped the stile on AT43 at Kingsgate would be the next one for replacement

Members were told Mrs Sagers and her team were content to continue in carrying out work on the PROW although frustrated with the amount of time needed to obtain owners' permission and co-operation from KCC'S PROW.

**16. Cricket Field-** new safety fencing requested for along the side of the children's play area facing the cricket pitch.. Members had previously agreed {September 2006}to meet the cost of replacing the worn out netting

Mr Bryant remained in the meeting and had declared his interest as the contractor submitting the quote for providing the fence. The quotation presented at the meeting was for a wire fence with steel posts, the length of the side of the play area and the height to match that of the nearby tennis courts. One member asked whether the quote presented included the metal being galvanised.. Mr Bryant was unable to confirm this fact. He was asked to ensure the metal was galvanised in order to extend the life of the fencing. Members agreed to accept the quote for providing the fence ie- materials £1050.00, plus labour £625.00 a total of £1675.00 plus VAT £293.12

**17. Finance – all related matters**

**[i]** Internal audit completed 28<sup>th</sup> April 2007 of the Parish Council's Accounts for year ending 31<sup>st</sup> March 2007 . Mr C.Burns, who carried out the internal audit was satisfied that all the required accounting procedures had been carried out , completed and signed the Internal Audit Report to be sent to the Audit Commission for the Annual Audit on 29<sup>th</sup> May 2007. Clerk was thanked by members for her work in managing these procedures.

**[ii]** Citizens Advice Bureau- Proposing to set up a new outreach service. Advice sought on possible sites in the parish and a request for a donation. Members considered the service provided by the Bureau in Tenterden was adequate and an outreach service in Rolvenden would not be of benefit. A donation had been made in previous years of £50 and this was agreed by members.

**[iii]** St. Mary the Virgin Rolvenden PCC- contribution towards maintenance of the churchyard-as per the precept 2007/08- £1750. Accounts for year ending 31st December 2006 had been received-agreed

**[iv] Resolved to pay the following accounts:**

**[a]** Mr S.Brooks, street cleaning for May 2007, 4 weeks @ £25 per week=£100

**[b]** Mr S.Bryant, £529.92, mowing village hall -£52, war memorial-£52, play areas-£84, cutting grass verge- £50, gangmowing recreation ground, playing field, football field-£213, vat £78.92

**[c]** Tenterden Roofing Company – repairs to bus shelter, Regent Street- £415.95

**[d]** Mrs J.M.Serra, clerk's wage £306.83, plus reimbursement of expenses-£107.64=total £414.47

**[v]** Accounts presented at this meeting to be accepted and considered for payment- none

**[vi]** Other financial related matters not raised elsewhere on this agenda-to be considered-none

**18. Other matters for Information:** *items for discussion only. NO DECISIONS* can lawfully be made on matters raised under this heading [LGA 1972 SCH12]..

**a]** Received- Copy of letter sent by resident to KCC on traffic calming in the village.- discussed matters raised. To be raised again at the next parish council meeting.

**[b]** Ashford Rural Trust: minutes of meeting held 23<sup>rd</sup> April 2007- copy received-noted

**[c]** Official Notification of Declaration of Result of Poll received 15<sup>th</sup> May & posted on notice boards in the parish.-noted.

**[d]** Overhanging hedges on footways in Rolvenden Layne resident complaint of hedge from no.22/24 to Four Wents, corner of Frensham Road. [letters to be written]

**[e]** Overhanging hedge on the corner of High Street/Hastings Road [no.2]

**[f]** Cars continue to park outside Durham Cottage despite the restrictive road marking put down as part of the traffic calming measures. The measures also included the widening of the footway on the corner outside Regent House.

**[g]** Traffic Signs painted on the Hastings Road approaching the school are ineffective.

**[h]** Cutting of the verge by KCC, Maytham Road from the corner of Frensham Road,- has not cut down the nettles overhanging the footway- unpleasant for pedestrians using this footway.

**18. Other matters for Information:** *items for discussion only . NO DECISIONS can lawfully be made on matters raised under this heading [LGA 1972 sch12]*

- [i] Sparkeswood Avenue/Tenterden Road- vehicles parked on grassed area- issues related to Ashford Borough to be directed to Ward Member.
- [j] Concern expressed at the time taken [35minutes]for an ambulance to attend an incident in Rolvenden- to keep a record of responses over a period of six months.
- [k] Member asked for all correspondence of the parish council be directed through the clerk.
- [l] Parish Council web site- member noted this had no current information and was asked to take on the task of bringing the site up to date.
- [m] Member asked for the table to be arranged in order to face any visitors attending the meeting..

Meeting closed 10.05pm

Mrs J.M.Serra,Clerk to the Council  
22<sup>nd</sup> May 2007



**jackyserra**

---

**From:** "Duncan Murray" <duncan.murray@zen.co.uk>  
**To:** <jackyserra@tiscali.co.uk>  
**Sent:** 28 May 2007 13:21  
**Subject:** Rolvenden Parish Council

Jackie,

Thanks for the copy of minutes of last meeting (15th May 07)

There is an error in item 6. I will bring it up at the meeting of course, but would like to advise it formally now.

Under item 10(iv) I stated that I do NOT have an interest. This was for clarity only, as most people are aware of my campaign against the use of the Glebe Field access through Monypenny and there may have been some uncertainty.

I do NOT have a personal or prejudicial interest in the Monypenny, affordable housing, issue. I am not a neighbour, being a whole field away from the proposed site. I have no personal or professional interest with the residents or in the potential development.

That is what I said but it has been misinterpreted as a declaration of interest. Plk e make this correction to the minutes at the appropriate time.

So, my apologies if I didn't make this clear enough.

While on the subject it may be worth confirming to you that I do have a prejudicial interest in the planning applications for Korkers Sausages: both the temporary works at the existing premises, and the proposed new factory. My company (Directline Structures Ltd) is engaged as a consultant. Of course I will mention this whenever the subjects arise.

I will be away on holiday from 3rd to 17th June.

Regards

Duncan Murray

## ROLVENDEN PARISH COUNCIL

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Mr A.Pitt, Mr J.Probyn, Mr J.Wilkins, Mr E.Barham-retiring chairman, Mrs J.Serra, Clerk to  
the Council, the correspondent for the local press, and three residents.

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**10. Planning [i] contd.**

/07/00679/AS Internal re-arrangements to re-configure one residential unit and create a second one out of redundant servant area. Great Maytham Hall, Maytham Road, Rolvenden. Plans viewed and discussed. No objections or comments.

/07/00712/AS Removal and re- location[and remodelling] of conservatory, construction of two storey extension together with internal alterations and insertion of three small windows to existing first floor., Thirnden, Thornden Lane, Rolvenden Layne. Plans viewed and discussed. Members objected to the proposal with concerns of the effect the extension would have on the symmetry of the existing house.

07/00676/AS Demolition of existing bungalow, garage, dog kennels and sundry buildings etc. Removal of mobile home/caravans. Erection of 2 new dwellings and garages. Great Jobs Cross Bungalow, Hastings Road, Rolvenden..Plans viewed and discussed. No objections or comments.

[ii] Applications for CONSULTATION received 8<sup>th</sup>-15<sup>th</sup> April 2007 from Ashford Borough were accepted and considered at this meeting.

[ii] Applications for CONSULTATION received 8<sup>th</sup>-15<sup>th</sup> May from Ashford Borough to be accepted and considered

TC/07/00078/AS To fell two Leyland cypress and replace with smaller native species, 22-24 Maytham Road, Rolvenden Layne. Mr Probyn declared his interest as the applicant but remained in the room. The Parish Tree Warden had been contacted and had no objections. Members had no other comments.

07/00815/AS Construction of a conservatory, re-direction of neighbour's drive and erection of 1.8m high screen fencing. Little Ranters Oast, Benenden Road, Rolvenden- plans viewed and discussed. Members made no objections or comments.

[iii] Permission GRANTED by Ashford Borough to the following applications were noted

TC/07/00070/AS -Remove to hedge level one Ash tree-11 Maytham Road, Rolvenden Layne

TC/07/00069/AS Crown lift to up to 4m above ground one oake tree- Rolvenden Cricket field, Regent Street, Rolvenden.

/07/00275/AS Single storey rear extension and new boundary wall, 1 Old Regent Drive, Rolvenden. Two conditions

/07/00370/AS Erection of a detached double garage and the erection of a single storey side and rear extension, Puddingcake House, Puddingcake Lane, Rolvenden. Three conditions

[iv] Appeal APP/E2205/A/07/2041636/NWF- English Rural Housing Association, Erection of 10no.affordable dwellings with associated parking and improvements to Monypenny and 6 new covered parking spaces to replace garages for residents of Monypenny. Land east of Monyoenny, Maytham Road,Rolvenden. Letter sent on behalf of Rolvenden Parish Council.

There was some concern expressed at the lack of written confirmation from the Housing Association that the dwellings would be provided only for people from Rolvenden. Three members had not agreed to sign the letter sent by the Chairman as they objected to the access being through Monypenny. A second letter had been sent by two members on an individual basis. Another letter to be sent clarifying the first letter was sent with a majority decision of the parish council.

[v] Kent County Council- Kent Minerals Development Framework-notification of site allocation representations consultation.- for information-noted

[vi] Ashford Borough Council - Notification of changes to the submitted Core Strategy.-for information.-noted

[vii] Other planning related issues not raised elsewhere on this agenda -accepted and considered.-none

**11. Ashford Borough Council- all related matters- accepted and considered at this meeting-none**

**12. Kent Assoc of Parish Councils- all related matters to be accepted and considered at this meeting**

[a] Ashford Area Committee Meeting- AGM Wednesday 6<sup>th</sup> June 2007, Civic Centre, Ashford 7pm

[b] Local Council Review[LCR] -official journal of the National Association of Parish Councils-copy received.- noted [c] Parish news no.324- copy given to all members.

[d] Councillors Information Day Saturday 16<sup>th</sup> June, Harrietsham, copy of agenda to all members who were to inform the clerk if they wanted to attend.

**13. Kent Police - [a] Parish Forum-next meeting 30<sup>th</sup> May 2007, Tenterden- Mrs Newman to attend**

**14. Action with Communities in Rural Kent- [a] Rural News issue 81- copy to all members.**

**15. Public Rights of Way[PROW]** - footpaths in the parish requiring attention. A list identifying the problems had been received including the one from the parish annual meeting- One member was to contact the landowner in order to remove the sign and unblock footpath AT49 – there was some doubt as to whether this path was now clear and it was to be monitored. The Clerk had been informed of the stile being replaced on footpath AT35-Little Halden Farm. The stile had been replaced with a gate on the footpath at the back of Great Maytham Hall and it was hoped the stile on AT43 at Kingsgate would be the next one for replacement

Members were told Mrs Sagers and her team were content to continue in carrying out work on the PROW although frustrated with the amount of time needed to obtain owners' permission and co-operation from KCC'S PROW.

**16. Cricket Field-** new safety fencing requested for along the side of the children's play area facing the cricket pitch.. Members had previously agreed {September 2006}to meet the cost of replacing the worn out netting

Mr Bryant remained in the meeting and had declared his interest as the contractor submitting the quote for providing the fence. The quotation presented at the meeting was for a wire fence with steel posts, the length of the side of the play area and the height to match that of the nearby tennis courts. One member asked whether the quote presented included the metal being galvanised.. Mr Bryant was unable to confirm this fact. He was asked to ensure the metal was galvanised in order to extend the life of the fencing. Members agreed to accept the quote for providing the fence ie- materials £1050.00, plus labour £625.00 a total of £1675.00 plus VAT £293.12

**17. Finance – all related matters**

[i] Internal audit completed 28<sup>th</sup> April 2007 of the Parish Council's Accounts for year ending 31<sup>st</sup> March 2007 . Mr C.Burns, who carried out the internal audit was satisfied that all the required accounting procedures had been carried out , completed and signed the Internal Audit Report to be sent to the Audit Commission for the Annual Audit on 29<sup>th</sup> May 2007. Clerk was thanked by members for her work in managing these procedures.

[ii] Citizens Advice Bureau- Proposing to set up a new outreach service. Advice sought on possible sites in the parish and a request for a donation. Members considered the service provided by the Bureau in Tenterden was adequate and an outreach service in Rolvenden would not be of benefit. A donation had been made in previous years of £50 and this was agreed by members.

[iii] St. Mary the Virgin Rolvenden PCC- contribution towards maintenance of the churchyard-as per the precept 2007/08- £1750 Accounts for year ending 31<sup>st</sup> December 2006 had been received-agreed

**[iv] Resolved to pay the following accounts:**

[a] Mr S.Brooks, street cleaning for May 2007, 4 weeks @ £25 per week=£100

[b] Mr S.Bryant, £529.92, mowing village hall -£52, war memorial-£52, play areas-£84, cutting grass verge- £50, gangmowing recreation ground, playing field, football field-£213, vat £78.92

[c] Tenterden Roofing Company – repairs to bus shelter, Regent Street- £415.95

[d] Mrs J.M.Serra, clerk's wage £306.83, plus reimbursement of expenses-£107.64=total £414.47

[v] Accounts presented at this meeting to be accepted and considered for payment- none

[vi] Other financial related matters not raised elsewhere on this agenda-to be considered-none

**18. Other matters for Information:** *items for discussion only. NO DECISIONS* can lawfully be made on matters raised under this heading [LGA 1972 SCH12].

a] Received- Copy of letter sent by resident to KCC on traffic calming in the village.- discussed matters raised. To be raised again at the next parish council meeting.

[b] Ashford Rural Trust: minutes of meeting held 23<sup>rd</sup> April 2007- copy received-noted

[c] Official Notification of Declaration of Result of Poll received 15<sup>th</sup> May & posted on notice boards in the parish.-noted.

[d] Overhanging hedges on footways in Rolvenden Layne resident complaint of hedge from no.22/24 to Four Wents, corner of Frensham Road. [letters to be written]

[e] Overhanging hedge on the corner of High Street/Hastings Road [no.2]

[f] Cars continue to park outside Durham Cottage despite the restrictive road marking put down as part of the traffic calming measures. The measures also included the widening of the footway on the corner outside Regent House.

[g] Traffic Signs painted on the Hastings Road approaching the school are ineffective.

[h] Cutting of the verge by KCC, Maytham Road from the corner of Frensham Road,- has not cut down the nettles overhanging the footway- unpleasant for pedestrians using this footway.

193 the John Lee 19/6/07.

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**18. Other matters for Information:** *items for discussion only. NO DECISIONS can lawfully be made on matters raised under this heading [LGA 1972 sch12]*

[i] Sparkeswood Avenue/Tenterden Road- vehicles parked on grassed area- issues related to Ashford Borough to be directed to Ward Member.

[j] Concern expressed at the time taken [35minutes]for an ambulance to attend an incident in Rolvenden- to keep a record of responses over a period of six months.

[k] Member asked for all correspondence of the parish council be directed through the clerk.

[l] Parish Council web site- member noted this had no current information and was asked to take on the task of bringing the site up to date.

[m] Member asked for the table to be arranged in order to face any visitors attending the meeting..

Meeting closed 10.05pm

Mrs J.M.Serra,Clerk to the Council  
22<sup>nd</sup> May 2007

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M14

ROLVENDEN PARISH COUNCIL

Minutes of the Parish Council meeting held TUESDAY 19<sup>TH</sup> JUNE 2007 8PM, the Gallery, Rolvenden Village Hall for the purpose of transacting the following business.

Apologies for absence were accepted from Mr A.Pitt[away]

Present: Mr S.Bryant, Mr M.Hook-Vice Chairman, Mr D.Murray, Mr B.Hindley, Mr J.Probyn, Mrs I.Newman, Mr E.Hoad, Mr J.Wilkins- Chairman, Mrs J.Serra, Clerk to the Council, Mr John Field, resident and representative for Weald of Kent Preservation Society, Ward Member- Cllr.Mrs J.Hutchinson, and the Correspondent for the local press

**Declarations of Members' Interests** under the Code of Conduct adopted by the Parish Council 18<sup>th</sup> March 2002, relating to items on this agenda to be made here  
Mr J.Probyn, item 21 [iii] planning application TC/07/00086/AS. Personal interest as neighbour to the applicant.  
Mr Bryant- item 21 [i] planning application 07/00789/AS, personal interest as possible contractor.  
Mr Bryant- item 26 and 30-overgrown hedges and footways and play areas. Personal/prejudicial as contractor for the work.  
Mr Bryant- item 31 Finance [ii-d] personal/prejudicial re-invoice raised for work carried out in May  
Mr E.Hoad-item 25 traffic calming-personal interest on parking matters in the High Street

**19. Minutes** of the parish council annual meeting, copies having been sent to all members, were approved with the following amendments having been made and were signed as a correct record. Amendments previously notified were made to item 6- to delete lines 8-12 as being incorrect from "Mr Murray -item 10 [iv] prejudicial/personal as neighbour adjacent to the proposed development " ending with "Monypenny, Maytham Road"  
Item 7. [d] Representatives for War Memorial Trust should read Mr Hindley, Mr Bryant and Mrs Newman

**20. New Model Code of Conduct 2007-** for councillors- to be adopted before 1<sup>st</sup> October 2007 -copy for parish councillors received from the Monitoring Officer at Ashford Borough- copy sent to each member. Also given to each parish councillor the Guide for Members May 2007 that was received from the Standards Board for England.

**Resolved;** Parish Councillors to adopt paragraph 7(1)(b), the requirement to have regard to relevant advice of the Borough Council's Monitoring Officer and paragraph 12(2) which allows a councillor to make representations despite a prejudicial interest, in circumstances where the public are also allowed to attend the meeting for the purpose of making representations.

Proposed -Mr B.Hindley, seconded-Mr J.Probyn. Agreed unanimously

**Resolved:** To adopt the New Model Code of Conduct 2007 with the inclusion of paragraph 7(1) (b) and paragraph 12(2). Proposed- Mr B.Hindley. Agreed unanimously

**21. Planning – all related Matters**

[i] Applications for CONSULTATION received from Ashford Borough were considered  
**07/00789/AS** Single storey extension, Sunnymead, Frensham Road, Rolvenden Layne- Members supported the application without comments

**07/00790/AS Listed Building Consent**, Sunnymead, Frensham Road, Rolvenden Layne- Members supported the application without comments

**07/00925/AS** Demolition of existing garage and erection of new- amendment to approved application 03/03866/AS, Brickfield Cottage, 35 Winsor Road, Rolvenden Layne. Members supported the application. In the event that the use for storage as stated in this application should change a further application should be made for planning permission

[ii] Application for CONSULTATION received 12<sup>th</sup>-19<sup>th</sup> June from Ashford Borough was accepted and considered at this meeting

**TC/07/00100/AS** To fell one field maple, 14 Gybbons Road, Rolvenden. Parish Tree Warden notified Members were content to accept the recommendations of the Parish Tree Warden who had no objections to the felling of the tree and recommended another species be planted on an open grassed area opposite the dwelling.

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**21. Planning- all related matters contd.**

- [iii] Application received from and returned to Ashford Borough in order to comply with return date.  
**TC/07/00086/AS** -One oak tree—to reduce the canopy by approximately 40%, concentrating on lateral branches in the lower and middle sections. Application given to Parish Tree Warden who visited the location. Parish council content to accept her recommendations which were sent to Ashford Borough.
- [iv] Permission GRANTED by Ashford Borough to the following applications  
**07/00429/AS** Porch with first floor extension over to front elevation; replacement of existing store room to east side elevation incorporating new glazed open store; new garden walls to front garden and car parking area/courtyard. Wassall House, Wassall Lane, Rolvenden. Two conditions  
**07/00476/AS** Lowering ground floor in living room and dining room to provide additional headroom, Kingpost Cottage, 79 High Street, Rolvenden- Two conditions  
**07/00236/AS** Single storey detached building[pool house] including demolition of existing building, Chessenden, Benenden Road, Rolvenden.-Three conditions  
**TC/07/00078/AS** Two Leyland cypress- fell and replace with smaller native species. 22-24 Maytham Road, Rolvenden Layne  
**TC/07/00086/AS** One oak tree-light crown lift lower lateral by up to 2m and light crown by up to 2m of crown overhanging house. 20 Maytham Road, Rolvenden Layne
- [v] Other planning issues not raised elsewhere on this agenda were accepted in this meeting
- [a] Notification of Enforcement Notice issued in relation to land at 8 Thornden Court, Thornden Lane Rolvenden Layne
- [b] The representative from the Weald of Kent Preservation Society on being asked did not have any matters to raise
- [c]The Chairman asked members whether forming a sub committee would give more time to consider planning applications. This was discussed at length. Members agreed that the present system should remain at present with a possible review in about six months.

**22. Ashford Borough Council- [a]** Parish Forum- next meeting Wednesday 11<sup>th</sup> July-report from meeting held 18<sup>th</sup> April- copy to the Chairman.. Ward Member considered these meetings to be important to parish councils and asked that a representative from Rolvenden attend the next meeting being held Wednesday 11<sup>th</sup> July. The Chairman offered to attend.

[b] Parking on the grassed areas in Sparkeswood Avenue. Discussed at length. Some posts have been installed to prevent vehicles crossing onto the grassed areas. Mr Murray and Mr Bryant to draw up proposals for additional parking in Sparkeswood Avenue and noting disabled residents. The proposals to be discussed at the next parish council meeting with the view to sending the parish council's recommendations to Ashford Borough Council for future action.-Agreed by all members. Ward Member Cllr Mrs Hutchinson would support the parish council in this action and offered assistance in identifying the ownership of properties.

[c] other related matters to be accepted and considered at this meeting – none raised

**23. Kent Assoc.of Parish Councils- [a]** Councillors Information Day- Wednesday 11<sup>th</sup> July, Lenham

[b] Chairmanship Training Day- Saturday 14<sup>th</sup> July, Lenham,- not to be attended

[c] Code of Conduct Training- 10am-12.15pm, Saturday 28<sup>th</sup> July and Saturday 4<sup>th</sup> August, Lenham. Mr B.Hindley and the Clerk would attend on Saturday 4<sup>th</sup> August.

[d] Ashford Area Committee- meeting held 6<sup>th</sup> June 2007, next meeting Wednesday 26<sup>th</sup> September

**24. Kent Highways-** report received on various issues in Rolvenden. Some details contained in the correspondence were considered to be incorrect. It has been arranged for representatives of the parish council to meet the Kent Highways Parish Liaison Officer and Highways Engineer outside Rolvenden village hall on Monday 9<sup>th</sup> July 2007, 9.30am.

**25. Traffic Calming – all related matters.** –copy to all members of notes received from Mr E.Hoad Also a letter from Rolvenden Primary School expressing their concerns about speeding traffic on the A28 Hastings Road approaching the school. A lengthy discussion took place. Parts of the Scheme had been omitted by KCC leaving it unfinished and ineffective as were the road marking signs on A28/Hastings Road. The Speed Indicator Device on A28/Tenterden Road had not been installed. It was confirmed, in response to the resident's enquiry the Parish Council had been against the construction of a footway link on the A28 Tenterden Road from the Firs to Halden Lane, primarily in order for the limited funding to be used more effectively on other measures to slow down approaching traffic.

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**25. Traffic calming-contd.**

KCC member Mr Michael Hill had been instrumental in furthering this Scheme and the suggestion from Ward Member Cllr J.Hutchinson was for him to be invited to attend the meeting arranged with Kent Highways on 9<sup>th</sup> July.

The Parish Council was reminded that traffic calming for Rolvenden Layne had been promised after the completion of the Scheme for the village. There was now a great increase in the volume of traffic and the speed of vehicles travelling through Rolvenden Layne [letter from resident sent to the Chairman]

**26. Overgrown hedges and footways** in the parish – Maytham Road from corner of Frensham Road to Rolvenden-overgrown verge with tall stinging nettles encroaching over the footway. Lack of response from Kent Highways to cut back this growth required parish councillor to arrange for work to be carried out as a priority in order for the footway to be used, preventing the need of pedestrians to walk in the road.

Issue about the lack of cutting back verges and the quality of work to be raised with Kent Highways Garden hedges encroaching onto footways which then make it impossible for pedestrians to walk on the footway without stepping into the road. Some properties on Maytham Road, Rolvenden Layne, also garden hedges of properties in High Street/ Hastings Road, Rolvenden. Letters sent by the parish council to residents to remind them of their responsibilities regarding their hedges have not been effective

Trees which overhang the Hastings Road after the Old Parsonage cause vehicles to move into the middle of the road. Kent Highways to be notified.

**27 Local Needs Housing Scheme-** There has been no further information received with the pending outcome of the Appeal by English Rural Housing Association

**28. Parish Council's web site-** Mr Hoad had arranged for this to be updated. Details of members were amended and the draft minutes of the previous parish council meeting were added as well as the Neighbourhood Watch. Mr Hoad was thanked for bringing the web site up to date. He was investigating the provision of an alternative web site.

**29. Kent Police-**report from meeting held 30<sup>th</sup> May 2007 –given by Mrs Newman. Culprits of a local burglary had been caught. It was emphasised that any crime must be reported and logged by the police as this affects the number of patrols that are made in the area.

**30. Play areas** – received annual safety inspection report.. There were only medium and low risk matters. The one of most concern was the low level of the safety surfacing which needed to be brought up to the required depth with additional bark chippings.

Mr Bryant with Mrs Serra had gone over all the points raised in the report and Mr Bryant agreed to carry out the required minor repairs and arrange for further bark chippings to be added for the required depth of the safety surfacing

Fencing at the play area, Benenden Road. The whole of the side nearest to the cricket field to have a high safety wire fence, similar to that of the tennis courts, in order to prevent stray cricket balls entering into the play area. This section of the present fence, which had been vandalised, was to be removed and the good sections retained for any future repairs of the remaining wooden fence.- Agreed

**31. Finance-**

[i] **Bank Mandate-** to be amended to include signatures of all members. Discussed. **Members agreed** the existing signatories of members should remain i.e Mr B.Hindley, Mr J.Probyn, Mrs I.Newman and Mr Hook without the addition of the signatures from the other members.

[ii] **Resolved to pay** the following accounts:

[a] Ashford Borough Council-£211.50- purchase & installation of new litter bin[Tenterden Road]

[b] Craigdene Ltd -£164.50 carrying out annual safety inspection of two play areas

[c] Mr S.Bryant- £576.92, mowing –village hall -£52, war memorial-£52, play areas-£84  
Gangmowing -£213, verge cutting-£50, hedgecutting-£40. plus VAT-£85.92

[d] Mr S.Brooks, £109.88- street cleaning for June 2007- 4 weeks @ £25 per week plus  
Reimbursement £9.88 - for materials purchased to varnish seat at village hall.

[e] clerks wage - £306.83, plus reimbursement of expenses-£136.46=total £443.29



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31. Finance- contd.

- [iii] Received acknowledgement from Parochial Church Council for the contribution towards the maintenance of the churchyard.
- [iv] Letter of appreciation received from CAB for the donation from the Parish Council
- [v] Accounts presented at this meeting to be accepted and considered for payment-none
- [vi] Other financial related matters not raised elsewhere on this agenda to be accepted and considered.-none

32. Other matters for Information – items only for discussion. NO DECISIONS can lawfully be made on matters raised under this heading. [LGA 1972 sch12]

- [a] Actions with Communities in Rural Kent—received copy of Rural News- issue83 –copy to all members- no comments
- [b] Date of August parish council meeting- to be re-arranged due to absence of clerk- date of parish council meeting for August Tuesday 28<sup>th</sup> August 7.30pm
- [c] Tour de France cycle race- information received about road closures on 8<sup>th</sup> July-
- [d] to put on Trafalgar Barn a dummy CCTV camera- to consider
- [e] Sewage seeping onto Maytham Road in the vicinity of Kingsgate Cottage. {Mr Bryant}
- [f] Quality Parish Council Status- Parish Council does qualify at the present time. A parish newsletter to be sent out in the future
- [g] Ranters Oak- green mesh fencing - query as to the need for planning permission.
- [h] Abandoned car at Gatefield
- [i] Pond opposite Gatefield- full of dumped items
- [j] Motorbikes being driven in field behind Great Maytham-complaints about the noise over the weekend. Users do have permission. People who are affected should report the excessive noise levels to Environmental Health.
- [k] Sparkeswood Close- new nameplate-scheduled to be installed mid –July
- [l] Maytham Road-pothole outside Rolvenden Club has been filled in and re-surfaced
- [m] Start time of parish council meeting to change to 7.30PM date of next meeting Tuesday 17<sup>th</sup> July 2007, 7.30pm.

Meeting closed 10.20pm

Mrs J.M.Serra, Clerk to the Council  
26<sup>th</sup> June 2007

17.7.07



# ROLVENDEN PARISH COUNCIL

M 15  
17 Hook

Minutes of the parish council meeting held TUESDAY, 28<sup>TH</sup> AUGUST 2007, at 7.30PM, The Gallery, Rolvenden Village Hall for the purpose of transacting only **Planning and Financial** matters

## **Apologies for absence-none**

**Present:** Mr J.Wilkins -Chairman, Mr M.Hook-Vice Chairman, Mr D.Murray, Mr B.Hindley, Mr E.Hoad, Mr J.Probyn, Mr A.Pitt, Mr S.Bryant, Mrs I.Newman, Ward Member- Cllr Mrs J.Hutchinson, Mr D.Newman-Correspondent for the local press, Mr J.Field- representative for Weald of Kent Preservation Society and nineteen residents.

**Appeal ref: App/E2205/A/07/2041636** – Land adjacent to Monypenny, Maytham Road, Rolvenden Appeal has been allowed and planning permission granted for the erection of 10no.affordable dwellings with associated parking and improvements to Monypenny. English Rural Housing Association. Copy given to all members.

The Chairman clarified the majority of the residents present were interested in the result of the appeal for the Local Needs Housing project, thus would take this as the first item of the agenda. Members of the parish council would give their comments after which the Chairman would adjourn the meeting in order for residents to have their say.

A lengthy discussion took place. The appeal had been decided on the basis of planning law and regulations. The development was dependent on the land being purchased by the English Rural Housing Association from the Diocese of Canterbury.

The meeting was adjourned at 7.50pm for residents to give their comments.

Residents from Monypenny and others voiced their opposition to the development

Ward Member continues to be opposed to the development with access through Monypenny

The policy of the Housing Association was re-iterated of letting the new dwellings only to people with connections to the parish

The Chairman returned the meeting to the parish council at 8.05pm

The parish council now had new councillors resulting from the recent local elections, thus a vote was proposed to ascertain the view of the present parish council to the development with the access via Monypenny. The Chairman was not in favour of a vote which would have no effect on the outcome of the planning consent, although he reluctantly agreed to a vote being taken. The Chairman asked for members to declare their interests in the proposed development. There were no interests declared by any member. Mr Murray stated he did not recall whether he had received formal notice of the planning application, although may have had. He did not believe that this location of his house or his circumstances was significant and in his opinion he does not have a personal interest in this matter.

Mr Hindley proposed "this new parish council no longer accepts that access for the Local Needs Housing Project should be put through Monypenny." This was seconded. Voting- five in favour of the proposal, four against.

Members requested a letter with the result of the vote be sent to the Diocese of Canterbury, the English Rural Housing Association and the Planning Department at Ashford Borough.

Mr Hindley expressed his appreciation to the Chairman for the fairness in which he dealt with this matter

**Declarations of Members' Interests** under the New Model Code of Conduct Order 2007 adopted by the parish council 19<sup>th</sup> June 2007 relating to items on this agenda to be made here.

Mr Bryant- item 47 [ii][a] Invoice raised for work carried out. Personal/prejudicial

**45. Minutes** of the parish council meeting held 17<sup>th</sup> July 2007, copies previously having been sent to all members, were agreed, approved and signed as a correct record.

## **46. Planning** – all related matters

[i] Applications for CONSULTATION received from Ashford Borough Council were considered **07/01114/AS** Outline application for a two bedroom bungalow in the rear of 5 Sparkeswood Avenue, Rolvenden. 5, Sparkeswood Avenue, Rolvenden. Copy of letter sent to Ashford Borough from resident objecting to the proposal-copy to all members. Members objected to the proposal. The development is inappropriate to the locality and amenity of the area. The access is a very narrow concrete road, trees each side and leading only to the rented garages. Sparkeswood Avenue has severe problems for parking vehicles which would be exacerbated by the proposed development.

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Michael W. Hooker  
10th Oct 2007

**46. Planning – [i] Applications for CONSULTATION- contd...**

**07/01405/AS** Erection of extension to existing building to provide increased covered sales space. World of Water, Hastings Road, Rolvenden. Members supported the application recommending the proposed building should be in keeping with those already on site for the amenity of the area

**[ii]** Applications for CONSULTATION received 7<sup>th</sup>-28<sup>th</sup> August 2007 from Ashford Borough were accepted and considered at this meeting.

**[07/01441/AS –Listed Building Consent** - the removal of an internal partition wall on the ground floor, Kingpost Cottage, 79 High Street, Rolvenden. Members objected to the proposal as they considered it contravened the listed building regulations.

**07/01509/AS** Reforming and improvements to the ramped access approach to both sides of the railway level crossing. Morghew Park Estate, Smallhythe Road, Tenterden. Supported. No comments.

**07/01464/AS** Erection of a conservatory, Orchard House, Freizingham Lane, Rolvenden Layne. Mr Pitt declared an interest as a neighbour to the property .Supported. No comments

**TP/07/00125/AS[DEL]** Group of poplars-fell part of the group and treat stumps against re-growth, top remaining trees adjacent to phone mast to 14 metres. Halden Lane Farm, Halden Lane, Rolvenden Supported

**[iii]** Permission **GRANTED** by Ashford Borough to applications were accepted at this meeting

**07/00925/AS** Demolition of existing garage and erection of new-amendment to approved application **03/03866/AS** Brickfield Cottage, 35 Winsor Road, Rolvenden Layne – Four conditions

**[iv]** Permission **REFUSED** by Ashford Borough to the following applications

**07/00789/AS** Single storey extension, Sunnymead, Frensham Road, Rolvenden Layne.

**07/00790/AS Listed Building Consent**, single storey extension, Sunnymead, Frensham Road, Rolvenden Layne.

**07/00497/AS** Proposed extension, alteration and sub division back into 2 dwellings and construction of new detached garage. Lower Chessenden, Benenden Road, Rolvenden.

**07/00676/AS** Demolition of existing bungalow, garage, dog kennels and sundry buildings etc. Removal of mobile home/caravans. Erection of 2 new dwellings and garages. Great Jobs Cross Bungalow, Hastings Road, Rolvenden.

**[v]** Notice of appeal on refusal for application **06/02445/AS**, first floor extension and dormer window. 22 Regent Street, Rolvenden. Start date 17<sup>th</sup> July 2007.

**[vi]** The Local Development Framework- Tenterden and Rural Areas Development Plan Document-all related matters.- There had been no response to the advertising for residents to come forward and take part in a proposed workshop.Chairman was disappointed and asked members to encourage residents to come forward.

**[vii]** Other planning related issues not raised on this agenda were accepted and considered at this meeting. See first item of the agenda.

**47. Finance – all related matters**

**[i]** Request from Village Hall Management Committee for grant from the parish council in order to cover the costs of the insurance premium for the village hall- £1529.86- agreed

**[ii]** Resolved to pay the following accounts:

**[a]** Mr Bryant, £529.92 mowings - village hall, war memorial & play areas, gangmowing – recreation ground, Layne playing field, football field and verge cutting

**[b]** Mr Brooks, street cleaning for August, 4 weeks @£25 per week= £100

**[c]** Mrs J.Serra, Clerk’s wage £306.83, plus reimbursement of expenses-£37.70=£344.53

**[iii]** Account presented at this meeting was accepted, considered and payment agreed

**[a]** Internal Auditor- Mr C.E.Burns Fee - £60 for examining accounts for year to 31<sup>st</sup> March 2007

**[iv]** Received street cleaning grant from Ashford Borough Council- £950

**[v]** Other financial matters not raised on this agenda were accepted and noted at this meeting

**[a]** Audit Commission- Annual Return for year ending 31<sup>st</sup> March 2007 Received the External Auditor’s Certificate and report. There were no comments or matters raised for the attention of the parish council.

There was an exchange of information on matters concerning 6 Sparkeswood Close, traffic calming and appreciation from all members of Rolvenden Cricket Club to the parish council for installing and paying for the new wire fencing on the side of the children’s play area which faces the pitch.

Michael W Houle

**Record of interview**

Interview with: Councillor John Wilkins  
Status: Chairman of Rolvenden Parish Council  
Date: 6 June 2008  
Venue: Telephone interview  
Investigator: Tony Drew  
Subject: Allegations concerning the conduct of Councillor Murray

---

Tony Drew explained the need for confidentiality during the process of the investigation.

1. Cllr Wilkins has been a member of the Council for three years and became Chairman in May 2007.
2. Cllr Wilkins has known Cllr Murray for about 2 years. He has had no business interests in common with Cllr Murray and there is no other personal connection or friendship between them.
3. Cllr Wilkins has known Mr Barham for 4 or 5 years. He has had no business interests in common with Mr Barham. He has occasionally attended a drinks party at Hole Park but does not regard Mr Barham as a personal friend and does not believe that others perceive them to be friends.
4. Cllr Wilkins cannot recall training on the Code of Conduct having been offered to members of the parish council. He considers that members have an awareness of issues relating to personal and prejudicial interests and planning matters, but is not sure that this awareness constitutes a good or full understanding.
5. Cllr Wilkins explained the background to the planning matter concerned. Cllr Wilkins considers that the need for low cost housing is accepted by all members of the Council and is not in itself controversial. The Glebe field site was the only site available. The Council initially wanted access from Maytham Road, but that was precluded following investigation of the sight lines and speed of traffic, and so the Council (before the change in the Council in May 2007) reluctantly agreed to support the development with access through Money Penny as the only available option. The Borough

Council Planning Committee rejected the application and their objection was overturned on appeal. Moneypenny residents were very vocal in opposing the access through their site. When an information day was held, questionnaires were distributed and from those completed a majority of people were in favour of the development. Cllr Wilkins regarded this as providing a reasonable straw poll of residents views and this informed his view that the scheme should be supported.

6. Cllr Wilkins recalled that Cllr Murray, before joining the Council, had raised issues about Mr Barham's conduct of Council business when Mr Barham was Chairman of the Council, in that Mr Barham was said to lead Council business and conduct correspondence etc without consulting other members. Mr Murray used to attend Council meetings regularly, took detailed notes and watched what members did like a hawk.
7. Cllr Wilkins said that he was aware of a view held by some in the village that the Barham family, who own land in the village, should come up with land when it was needed. Cllr Wilkins thought there was no fair basis for the Barham family having such an obligation.
8. Cllr Wilkins was also aware of a view held by some that if low cost housing went ahead on Glebe field, that would be to the financial advantage of Mr Barham who would not then need to include low cost housing in any future development of his land. Cllr Wilkins did not consider this was true, as the requirements to include low cost housing would probably apply in the same way. Cllr Wilkins confirmed that Mr Barham had been in favour of the Glebe field development because no other site was available.
9. Cllr Wilkins is aware that a complaint about Mr Barham had been made to the Standards Committee on another matter, but did not know any details. He thought the matter had been resolved.
10. Cllr Wilkins thought there was possibly an element of truth in the suggestion that Mr Barham's allegation to the Standards Board was in retaliation for Cllr Murray's opposition to the scheme and to distract him from further involvement.
11. It is well known that Cllr Murray opposes siting the scheme in Glebe field, and Cllr Wilkins thinks that is because Cllr Murray does not want the development sited near to his house where he will be able to see it.
12. As far as Cllr Wilkins was aware, the question of whether Cllr Murray had a personal and prejudicial interest in the development was not raised before the Council meeting of 28 August 2008.

13. Cllr Wilkins could not remember what was said at the May 2007 Council meeting by Cllr Murray about declaration of an interest.
14. The Council meeting on 28 August 2007 was attended by a large number of members of the public who were vocal in their opposition to the access through Money Penny. In accordance with normal practice it was decided to bring that matter forward and to allow the public to express views freely and at length. Because of the level of interest the matter had generated and the large attendance, Cllr Wilkins had forgotten to ask for declarations of interest at the start. Mr Barham spoke from the floor to raise his concern that some members might have an interest. Cllr Wilkins then went round the table, asking members to consider whether they should declare an interest. Cllr Murray said he did not have an interest. Cllr Wilkins asked him whether he had been notified by the Borough Council of the development and Cllr Murray replied that he did not think so. Cllr Hindley said he did not have an interest. Cllr Wilkins asked him whether he had been notified by the Borough Council of the development and Cllr Hindley replied that he did not think so. A vote was then held on a proposal put forward by Cllr Hindley that the newly constituted Council did not support the development with access through Money Penny, which was carried by 5 votes to 4. It was decided that letters should be sent by the Council to the Diocesan Board of Finance, the ERHA and the Borough Council expressing this view. Cllr Wilkins was personally unhappy with the vote being put because the Council had previously made a decision on the matter and it would make no difference.
15. Cllr Wilkins believes that Cllr Murray was consulted by the planning authorities about the development. On that basis, and because of the proximity of his house to the site, Cllr Wilkins firmly believed that Cllr Murray thereby had a personal and prejudicial interest and should have declared it.
16. After the August meeting, on [date .....] Cllr Wilkins telephoned Terry Mortimer for advice about the question of interests, and Mr Mortimer's advice was confirmed in a letter dated 27 September 2007. Cllr Wilkins was not aware of any other advice having been sought by anyone on this question.
17. Cllr Wilkins commented that the Glebe Field / Money Penny issues had divided the village. He was told of a rumour that he had been promoting the scheme because his children wanted to apply for housing there. That was completely untrue.
18. Cllr Wilkins said the current position is that following a change in the regulations concerning access and sight lines, the Borough Council Development Control officer is looking into the possibility of access to Glebe field from Maytham Road. If this is possible it would resolve the matter. The Money Penny access would require the Borough Council's agreement to sell a small strip of land to the developers and this has not been agreed.

**Statement of truth**

*I confirm that this interview record is a fair and accurate summary of the interview held on 6 June 2008.*

Signed: 

Date: 5.7.08.

**Record of interview**

Interview with: Mr Edward Barham  
 Status: Complainant  
 Date: 6 June 2008  
 Venue: Telephone interview  
 Investigator: Tony Drew  
 Subject: Allegations concerning the conduct of Councillor Murray

Tony Drew explained the need for confidentiality and the process of the investigation.

1. Mr Barham that he was previously Chairman of the Council from 1999 until he left the Council in May 2007.
2. Mr Barham first knew of Cllr Murray when (before Cllr Murray became a member of the Council) Cllr Murray was involved in spearheading a campaign against the selection of the Glebe Field, nearly adjacent to his own home, The White House, for Local Needs Housing. Mr Barham has no other connection or interests in common with Cllr Murray.
3. To Mr Barham's knowledge the Council has never engaged in any formal training on the code of conduct for members, though this has regularly been offered. Councillors have always done their best to abide by the code. Mr Barham considers that members have a good understanding of the issues relating to personal and prejudicial interests and members have in the past withdrawn from meetings when appropriate.
4. Mr Barham confirmed that the question of whether Cllr Murray had an interest in the Glebe field development had only arisen since Cllr Murray's election to the Council in May 2007, when he had used his opposition to the Glebe Field site as the major plank of his election address and a "vote catcher" in that regard.
5. From his knowledge of the area Mr Barham considered that Cllr Murray's house would be directly affected by the development on Glebe field. Cllr Murray's house is in a relatively isolated position and the development would bring the village significantly closer to his property. The development would



also be visible from Cllr Murray's property, with the southern end of it overlooking the northern side of Cllr Murray's house; this would have some impact on his enjoyment of his property.

6. At the Council meeting on 28 August 2007 Mr Barham recalls expressing his view, from the floor, that some members had an interest in the matter of the housing development and should declare their interest. Cllr Wilkins later asked members to declare whether they had an interest and suggested that as a minimum he might consider them to have an interest if they had received notification from the planning authority because of the proximity of their property to the site. Mr Barham recalls Cllr Murray stating that he did not recall receiving such notification and that he had no interest to declare.

**Statement of truth**

*I confirm that this interview record is a fair and accurate summary of the interview held on 6 June 2008.*

Signed:

*Edward Barham*

Date:

*23. June 2008*

## Record of interview

Interview with: Councillor Brian Hindley  
Status: Member of Rolvenden Parish Council  
Date: 16 June 2008  
Venue: Cllr Hindley's home, High Chimneys, Rolvenden  
Investigator: Tony Drew

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1. Cllr Hindley became a member of the Rolvenden Parish Council in May 2003.
2. Cllr Hindley first heard about proposals to site local needs housing on the Glebe field site in about 2004. The proposal was for 10 houses with access through Maytham Road or otherwise through Moneypenny.
3. Councillor Hindley's attitude towards the proposal was very favourable because additional low cost housing was needed in the village. It was not an ideal site but it was acceptable in his view.
4. The Council was originally 100% against the proposal for access to the site through Moneypenny. Moneypenny residents are mostly 70+, some into their 90s. Having access to a new housing estate through Moneypenny would cause significant disturbance to the tranquillity of life for the residents. The proposal included 26 parking lots, and it is clear this would mean considerable movement of cars. Cllr Hindley considers the term 'sheltered' in sheltered housing is important.
5. In 2005/6, following three traffic surveys in Maytham Road, and investigation of the sight lines which confirmed that a proposed access point in Maytham Road did not meet Highways requirements, the Council decided, by majority vote, to support the proposal with access through Moneypenny.
6. Councillor Hindley shared his concerns with Councillor Hook, who lives some distance away in Hastings Road, who agreed that the access through Moneypenny was unacceptable, although there was no objection to the Glebe field site if alternative access could be arranged.
7. Cllr Hindley's concerns stem from the impact on the lives of the elderly Moneypenny residents from the cars and bikes which would go to and fro

through their small road every day. He was aware of the concerns of the Money Penny residents.

8. Cllr Hindley thought there would possibly be a small impact from the development on traffic in Maytham Road. That slight detrimental effect did not make him opposed to the scheme. He opposed only the access through Money Penny.
9. Cllr Hindley discussed the matter only with fellow councillors and with Money Penny residents. He has not discussed it with his other neighbours. He has not discussed it with Cllr Murray outside of Council meetings.
10. Cllr Hindley received notification from the Borough Council of the original planning application. He made no response to the Borough Council because he would make any comments through his official position on the Council. He made no other representations on the matter, apart from a letter he wrote jointly with Cllr Hook to the Planning Inspectorate when the appeal was being considered. Cllr Hindley took part in no campaigning or other lobbying on the matter.
11. After the 2007 elections and the change in make up of the Council, Cllr Hindley considered it would be appropriate to test whether the new Council shared the view of himself and Cllr Hook about the Money Penny access.
12. Before the August 2007 Council meeting, the question of whether any member might have a personal interest in the matter had not been raised. Cllr Hindley could not remember the detail of what was said at the August 2007 meeting. He recalls Mr Barham speaking vociferously for the development and the Chairman asking members to declare whether they had an interest. Cllr Hindley considered he had no personal interest so declared none. About 48 hours after the meeting he spoke to the Chairman to ascertain his view, and the Chairman indicated that he agreed Cllr Hindley did not have a personal interest. If the Chairman had thought otherwise Cllr Hindley would have made a statement about such a difference of opinion. Cllr Hindley proposed a vote be taken on the Council's change of view in no longer supporting the Money Penny access. That vote was carried by 5 votes to 4.
13. Cllr Hindley could not recall what Cllr Murray said at the May 2007 Council meeting, although from the time Cllr Murray came onto the Council he had made clear his view that he did not <sup>believe he had</sup> have an interest. BWH
14. Regarding any potential impact of the development on Cllr Hindley's property at High Chimneys, Cllr Hindley confirmed that it is not possible to see the site from his land or from any of the windows, or from his driveway entrance. Cllr Hindley considers that: there would be no impact from noise; there would be

no significant impact on traffic in Pix's Lane or at the junction with Maytham Road; there would be no impact on the value of his property.

15. Cllr Hindley had not found it necessary to seek advice about the question of a personal interest because he already has a good understanding of the Code of Conduct. In his working life it is his job to interpret the law for others. Cllr Hindley thinks other members of the Council probably do not have a good understanding of personal and prejudicial interests. Cllr Hindley attended an ~~information session on the new code with the clerk in 2007. See below.~~
16. Cllr Hindley confirmed his view that the development would have no positive or negative effect on his well-being or his financial position or on that of others with whom he has close association.

**Statement of truth**

*I confirm that this interview record is a fair and accurate summary of the interview held on 16 June 2008.*

Signed: *BW Hindley*

Date: *22 June 2008*

*Cllr Hindley attended a training course with the Clerk in 2007 during which there was a session on the code with practical interpretation exercises.*

*BW Hindley*  
(Cllr RPE)

# **ROLVENDEN**

## **PARISH COUNCIL**

*Chairman*  
Mr John Wilkins  
Thornden Oaks,  
Thornden Lane,  
Rolvenden Layne, Cranbrook,  
Kent TN17 4PS  
Tel: 01580 241157  
e-mail [surveyors@jwasturveyors.co.uk](mailto:surveyors@jwasturveyors.co.uk)

*Clerk to the Council*  
Mrs J.M.Serra  
Glenweir,  
Tenterden Road,  
Rolvenden, Cranbrook  
Kent TN17 4JP  
tel: 01580 241347  
e-mail [jackyserra@tiscali.co.uk](mailto:jackyserra@tiscali.co.uk)

RECEIVED  
27 SEP 2007

The Standards & Monitoring Officer,  
Legal Services Department,  
Ashford Borough Council,  
Civic Centre,  
Tannery Lane,  
ASHFORD,  
Kent, TN23 1PL.

26 September 2007

Dear Sirs,

**RE: ROLVENDEN PARISH COUNCIL MEETING – AUGUST 2007**

I recently contacted the Legal Services Department to seek advice regarding a Vote held by the Rolvenden Parish Council at the above meeting in relation to the proposed Local Needs Housing Scheme proposed for Rolvenden. I explained that I was going on holiday and was therefore requested to supply further information on my return.

The Vote was in relation to the proposed access for the Scheme through the Monypenny Sheltered Housing Complex.

The previously constituted Rolvenden Parish Council had voted in favour (albeit reluctantly) for the access to be through Monypenny.

Before the Vote at the August Meeting, I asked two Parish Councillors whether they had been notified of the original Planning Application for the Scheme, as I felt that this could constitute a prejudicial or private interest that they should have declared (and possibly therefore not taken part in the Vote). Neither Parish Councillor indicated that they were consulted.

I have since checked with the Planning Department and have ascertained that both Parish Councillors were notified of the original Application. A copy of the information supplied by the Planning Department is enclosed for your information. I have marked the Application site in red and the properties owned by the respective Parish Councillors in blue.

Before / ...

Before complying with the decision of the Vote of the Parish Council, I should like advice as to whether you consider that either or both of the Parish Councillors have a prejudicial interest and whether they should have been permitted to vote on the matter.

I should be pleased to receive your advice as soon as possible and look forward to hearing from you.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'J. R. Wilkins', with a long horizontal flourish extending to the right.

J. R. WILKINS,  
CHAIRMAN - ROLVENDEN PARISH COUNCIL.

HEAD OF LEGAL AND DEMOCRATIC SERVICES  
MONITORING OFFICER

Terry Mortimer LLB Solicitor

Direct Line 01233 330210  
Ask For Terry Mortimer  
E-mail terry.mortimer@ashford.gov.uk  
Fax No 01233 330649  
DX 151140 Ashford (Kent) 7  
Our Ref TWM/PR304/001  
Your Ref  
Date 27 September 2007

M 20

Cllr J R Wilkins  
Chairman  
Rolvenden Parish Council  
Glenweir  
Tenterden Road  
Rolvenden  
Cranbrook  
Kent TN17 4JP

Dear Cllr Wilkins

**ROLVENDEN PARISH COUNCIL MEETING - AUGUST 2007**

Thank you for your letter of 26 September.

I recall speaking to you on the telephone and I explained that being on a planning application consultation list did not necessarily mean that one had a prejudicial and/or personal interest. I have now seen the plan but in order to properly assess the matter I would need to visit the area to appreciate the relationship between the site and the private dwellings you have indicated. Much may depend on distance, intervening land/uses and topography. Going purely on the plan it is certainly possible that the councillors in question could have a personal and prejudicial interest.

I am sorry I cannot be more categoric.

Yours sincerely

T W Mortimer  
Head of Legal and Democratic Services &  
Monitoring Officer



2007-2008  
*Promoting Sustainable  
Communities Through  
the Planning Process*

**jackyserra**

---

**From:** "Duncan" <d.murray@directlinestructures.co.uk>  
**To:** "jackyserra" <jackyserra@tiscali.co.uk>  
**Sent:** 17 September 2007 15:34  
**Subject:** Minutes

Regarding the minutes of the August meeting, would you please add to confirm the statement I made?

Before the vote on the Monypenny access, John Wilkins asked if anyone had any interest to declare. This followed the interruption from Mr Barham, telling the Chairman what to do, ( telling him not to allow a vote, and alleging that members that had received formal notice of the planning application should declare this, and should not vote).  
The minutes currently state "There were no interests declared by any member"

For clarity I wish it to be recorded that I did make a statement.  
I stated that I did not recall whether I had received such a notice, but may have had, but that I did not believe that the location my house or my circumstances were significant, and that, in my opinion, I do not have a personal interest in the matter.

Regards

Duncan Murray BSc CEng MICE CEnv  
Marketing Director

Directline Structures Limited

Crown Yard, Bedgebury Estate, Goudhurst, Kent TN17 2QZ Tel: 01580 212242 Fax: 01580 212002

[www.directlinestructures.co.uk](http://www.directlinestructures.co.uk)

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## ROLVENDEN PARISH COUNCIL

Minutes of the parish council meeting held TUESDAY, 18<sup>TH</sup> SEPTEMBER 2007, 7.30pm. The Gallery Rolvenden Village Hall, for the purpose of transacting the following business.

**Present:-** Mr B.Hindley, Mr D.Murray, Mr A.Pitt, Mr S.Bryant, Mr J.Probyn, Mrs I.Newman, Mr E.Hoad, Mr.M.Hook-vice Chairman, Mrs J.Serra-Clerk to the Council, Mr D.Newman- correspondent for the local press and three residents.

**Apologies for absence-** were accepted from Mr J.Wilkins-Chairman [holiday]  
The meeting was chaired by Mr M.Hook- Vice Chairman

**Declarations of Members' Interests** - under the New Model Code of conduct Order 2007 adopted by the parish council 19<sup>th</sup> June 2007, relating to items on this agenda to be made here.

Mr D.Murray- item 58-Rolvenden Football Club-prejudicial interest as neighbour to the property

Mr B.Hindley – item 49 planning application 07/01617/AS – prejudicial interest as neighbour to the applicant's property

Mr S.Bryant- item 58- Rolvenden Football Club- prejudicial interest being President of the Club

Mr S.Bryant- item 59- Finance[i] – prejudicial interest -invoice raised for groundwork.

**48. Minutes** of the parish council meeting held 28<sup>th</sup> August 2007, copies previously having been sent to all members. Line 23 of the paragraph starting "Appeal ref: App/e2205/A" was amended to read "Mr Murray stated he did not recall whether he had received formal notice of the planning application although he may have had. He did not believe that this location of his house or his circumstances was significant and in his opinion he does not have a personal interest in this matter". This amendment was approved and the minutes were signed as a correct record of the meeting. Members were given a copy of the amended page.

**56. Bus shelter, Regent Street-** Mr Hook took this item first for the benefit of the residents present as the issue was the subject of their concern. The resident being the owner of the bus shelter was asked to give the details of the matter to members. The bus shelter was being used as a location for youths to congregate and the bus shelter had been vandalised on several occasions The owner had called the police in several instances on having felt intimidated by the youths. The owner was not prepared for the present situation to continue although she wanted to retain the facility of the bus shelter for the benefit of residents, therefore recommended blocking off the rear of the bus shelter and putting a seat in front. Another alternative was for a shelter to be built on the land in front of the existing shelter The owner had written giving notice to the Parish Council in July that the bus shelter was not being used in accordance with the lease granted to the parish council and stating the existing situation as described was unacceptable.

Members did not agree with the recommendation of blocking off the rear of the bus shelter. Members wanted to retain the facility of this bus shelter in the village. Members were very concerned at the lack of police action on being called to deal with the youths loitering in the bus shelter. A letter to be written asking for the Community Beat Officer to monitor more often this particular bus shelter

### **49. Planning- all related matters**

[i] Applications for CONSULTATION received from Ashford Borough were considered.

**07/01568/AS** Replacement of east side store- revised scheme, Wassall House, Wassall Lane, Rolvenden – Supported with no comments

**07/01546/AS Amended description-** Replacement of existing conductors with aerial bundled conductor and replacement of old poles and fittings where necessary. - Overhead lines at Maytham Road, Winsor Road, Freizingham Lane & Thornden Lane- Rolvenden Layne.- Supported with no comments.

**07/01585/AS** Raise existing main roof to property incl. chimney flue, rear skylights & side gable windows- re- submission, 29 High Street, Rolvenden- Interest declared by Mr Hoad being a near neighbour. Application supported with no comments

[ii] Applications for CONSULTATION received 11<sup>TH</sup>-18<sup>TH</sup> September from Ashford Borough were accepted and considered at this meeting.

**07/01617/AS** Extension of the existing drive to form access to the main house[retrospective]- Barton Wood, Maytham Road, Rolvenden. The application was supported with the comment that should permission be granted for this new access it should be limited specifically to the dwelling known as Barton Wood.

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Minutes of parish council meeting held 18<sup>th</sup> September 2007- page 2

**40. Planning –all related issues**

[iii] Permission **GRANTED** by Ashford Borough to the following applications

**07/01114/AS** Outline application for a 2-bedroom bungalow in the rear of 5 Sparkeswood Avenue, 5, Sparkeswood Avenue, Rolvenden. Seven conditions.- Members had objected to this application and failed to understand the actions of Ashford Borough. Members recommended that should a planning application be submitted that it be put to the full planning committee of Ashford Borough.

**TC/07/00121/AS** To prune growth back by one metre-one Walnut tree, to coppice to ground level one Hornbeam. The Red House, Frensham Road, Rolvenden Layne.

[iv] The South East Plan- publication of the Panel Report- copy received in CD format. Letter and CD taken by Mr Hoad

**50. Ashford Borough Council – [a]** Parish Forum- received copy of the Report from meeting held 11<sup>th</sup> July. Copy sent to the Chairman. Date of Next meeting 3<sup>rd</sup> October. noted

[b] Ashford Borough's Cultural Strategy 2007-2011- copy received for information-noted

[c] Ashford Visual Arts + Architecture Festival 2007 16-28 September -noted

**51. KCC –Annual Plan, Performance in 2006/07, Priorities & Targets for 2007/08-**  
Copy taken by Mr Murray

**52. KCC – Countryside Access Improvement Plan-consultation questionnaire and plan available on web site [kent.gov.uk/countrysideaccess](http://kent.gov.uk/countrysideaccess) . Mr Hoad to pass on the information to Mrs S.Saggers.**

**53. Kent Police-**parish forum meeting held 12<sup>th</sup> September and attended by Mr Hook. They have a shortage of staff. Rate of crime in this area is half of the average of the whole of Kent. Notice of the cancellation of Operation Trident which dealt with speeding motorcycles through the villages. Members recommended a letter be sent asking for this operation to be re-instigated, also a letter of concern at the lack of a visible police presence in the village. The Community Police Support Officer is Chris Brett. [b] proposal to establish a Partners and Communities Together {PACT }meeting for the parish- members considered the existing Parish Forum meetings were adequate.

**54. Kent Assoc.Parish Councils –Training Day held 4<sup>th</sup> August on New Code of Conduct –report by Mr Hindley.** There was nothing new reported on the day. Members advised to be vigilant about declaring their interests.

[b] Ashford Area Committee – minutes of meeting held 1<sup>st</sup> August. Next meeting 26<sup>th</sup> September- agenda received.-copies to all members.-noted

[c] Parish news no326-copy to members-noted [d] Councillors Information Day-22<sup>nd</sup> September, Lenham-noted

[e] National Association of Local Councils - Conference 5<sup>th</sup> -7<sup>th</sup> October, Bournemouth-noted

**55. Action with Communities in Rural Kent –Rural Opinion Survey 2007-copy received-noted**

[b] Forward Strategy 2007-2012 – copy received [c] Oast to Coast-periodical magazine-noted

**56. Bus Shelter-, Regent Street – all related issues-taken at the start of the meeting**

**57. Dropped kerbs** obstructed by parked vehicles & other issues raised in a letter from resident. Copy of letter given to all members at the August meeting. Mr Bryant to contact the resident to discuss and confirm the details

**58. Rolvenden Football Club-** Mr D.Newman is the Project Manager for the proposed new football pitches and changing facilities. The land survey has been carried out and members were shown proposals for outline planning permission, their submission being subject to the response they receive from the landowner

The Club has permission from the Rolvenden Club to use their car parking facilities. Rolvenden Football Club has the use of their existing pitch until the end of the 2008 season but in order to be included in and to meet the requirements of the League, it was necessary for the Club to move and provide better facilities for all players.

**59. Finance- all related matters**

[i] **Resolved** to pay the following accounts:

[a] Mr S.Bryant - £529.92, mowing at village hall-£52, war memorial-£52, play areas-£84,  
Gang mowing-cricket field, Layne playing field, football field-£213  
Cutting verge outside police house -£50 VAT-£78.92

[b] Mr S.Brooks- street cleaning for September, 5 weeks @£25 = £125

[c] Mrs J.M.Serra, clerk's wage £306.83, plus reimbursement of expenses- £68.60=£375.43

[d] Audit Commission- £158.63, fee for annual audit y/e 31<sup>st</sup> March 2007

**Record of interview**

Interview with: Mrs Jacqueline Serra  
Status: Clerk to Rolvenden Parish Council  
Date: 6 June 2008  
Venue: Telephone interview  
Investigator: Tony Drew  
Subject: Allegations concerning the conduct of Councillor Murray

---

1. Mrs Serra has been clerk to the Council since 1992.
2. Training on the Code of Conduct was offered by KALC and also by the Borough Council around 2002 but there was no take up by members of the Council at that time. All members were given copies of the Code of Conduct and all information relating to personal and prejudicial interests together with information received from the Standards Board.
3. On 4 August 2007 Mrs Serra and Cllr Hindley attended a short session on the new Model Code of Conduct introduced in May 2007, organised by KALC. Mrs Serra considers members have a good understanding of the code in relation to personal and prejudicial interests.
4. Mrs Serra is aware of a complaint concerning Mr Barham which is to be considered by the standards committee of the Borough Council. Mrs Serra knows of no connection between that matter and the complaints made by Mr Barham.
5. To the best of her knowledge, Mrs Serra thought that the question of members having a personal / prejudicial interest had not been raised within the Council before the August 2007 meeting although it is possible that Cllr Murray may have mentioned something about it before he became a member of the Council. Before joining the Council Cllr Murray had regularly attended Council meetings for a couple of years, and had a particular interest in the local housing need development proposals.
6. Mrs Serra was not aware of any advice having been sought from the Monitoring Officer or anyone else regarding the question of personal / prejudicial interests, before Cllr Wilkins contacted the Monitoring Officer after the August 2007 Council meeting.

7. From her knowledge of the site Mrs Serra was not sure how much impact the Glebe field development might have on Cllr Murray's property. His house was on the main road. It might perhaps have some impact on his property.
8. Regarding the May Council meeting, Mrs Serra confirmed she had produced the draft minutes. Her reference to Cllr Murray having declared a personal and prejudicial interest reflected her understanding at the time of what he said and meant. Mrs Serra accepted that this had been a misunderstanding and that he had not intended to declare an interest. The minutes were accordingly amended.
9. Mrs Serra thought that reference in the May 2007 meeting minutes to 3 members not agreeing to sign a letter sent by the Chairman referred to Cllrs Murray, Hindley and Hook who objected to the access through Moneypenny. Mrs Serra had not seen the letter and did not know to whom it had been sent. Mrs Serra thought the reference to two members sending a second letter on an individual basis may have referred to Cllr Hindley and Cllr Hook writing to the Planning Inspectorate
10. Mrs Serra could not recall the detail of what was said by whom at the August 2007 meeting. 19 local residents attended who were there because of the planning appeal decision and the access issue. She thinks that Mr Barham made a comment about members having a personal interest without naming any members. Cllr Wilkins asked members whether they had any interest to declare. Cllr Murray said he did not have an interest and that his concerns were in relation to the access through Moneypenny and the impact on Moneypenny residents.

**Statement of truth**

*I confirm that this interview record is a fair and accurate summary of the interview held on 6 June 2008.*

Signed:



Date:

23-06-08

**Record of interview**

Interview with: Councillor Michael Hook  
Status: Member of Rolvenden Parish Council  
Date: 6 June 2008  
Venue: Telephone interview  
Investigator: Tony Drew  
Subject: Allegations concerning the conduct of Councillor Murray

---

Tony Drew explained the need for confidentiality during the process of the investigation.

1. Cllr Hook has been a member of the Council for about 10 years.
2. Cllr Hook has known Cllr Murray for a few years. Cllr Murray used to live near him. Cllr Hook knows him quite well and gets on well with him.
3. Cllr Hook has known Mr Barham for many years, and gets on well with him.
4. Cllr Hook confirmed that members of the Council had not received formal training on the Code of Conduct although they had received literature on it. He thought members did their best to abide by the Code.
5. Cllr Hook stressed that he regretted that the matter had been the subject of a formal complaint, and he had not wanted to become involved in it or to take sides. He had joined with Cllr Hindley in writing to the Planning appeals authority because they shared concerns about the position of the Moneypenny residents and how they would be affected if access went through that site.
6. Cllr Hook was aware that there had been some suggestions about Mr Barham's motivation in supporting the Glebe field development. Cllr Hook had no comment on this.
7. Cllr Hook had no comment to make about whether the development in Glebe field would have an impact on Cllr Murray's property.

8. Cllr Hook was not aware that anyone had sought advice on the question of possible personal and prejudicial interests, before the meeting on 28 August 2008.
9. Cllr Hook was unable to recall the detail of who said what at the meeting on 28 August 2008, but he remembered that there had been a vote on Cllr Hindley's proposal that the Council should state that it no longer accepted that access should go through Moneypenny. The vote was carried by 5 votes to 4.
10. Cllr Hook understood that the Highways Authority's rules may have changed and that access to Glebe field via Maytham Road is again being considered. Cllr Hook also understands that the Borough Council have not agreed to sell a strip of land to the developers which would be required if the Moneypenny access was to go ahead.

**Statement of truth**

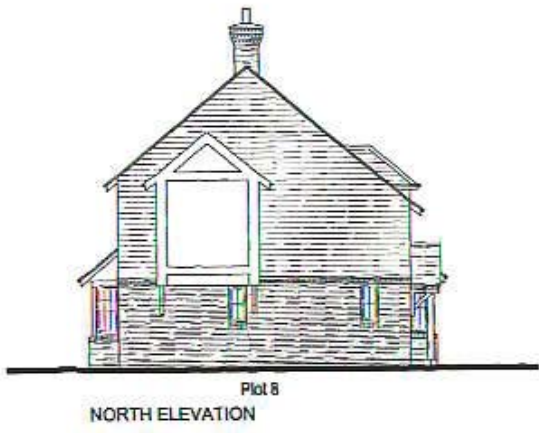
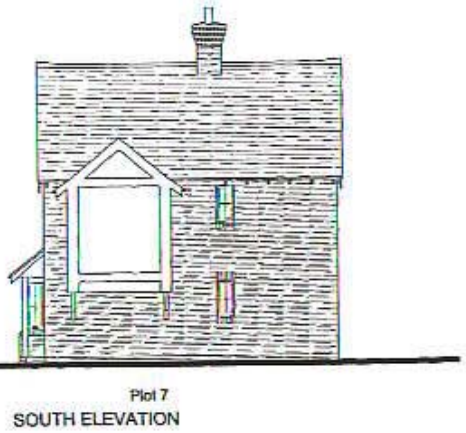
*I confirm that this interview record is a fair and accurate summary of the interview held on 6 June 2008.*

Signed: *Richard W Hook*

Date: *19th June 2008*



M 26



134

|  |                                |                           |  |                                       |
|--|--------------------------------|---------------------------|--|---------------------------------------|
| <p>ENGLISH RURAL HOUSING ASSOCIATION</p> | <p>MAYTHAM ROAD, ROLVENDEN</p> | <p>ELEVATIONS SHEET 3</p> | <p>Date: July 06<br/>Scale: 1:100 (A2)<br/>Author: MIC</p> | <p>Sheet No: 4706/07<br/>Sheet: -</p> |
|--|--------------------------------|---------------------------|--|---------------------------------------|



5/1/07 10:50



PLANNING & DEVELOPMENT  
 23 NOV 2005  
 FILE REF. ....  
 OFFICER .....



SOUTH ELEVATION

Plot 1

Plot 2

Plots 3 & 4



WEST ELEVATION

Plots 5 & 6

Plot 7

Plot 8

Plot 9

Plot 10

135

|   |   |   |   |
|---|---|---|---|
| <p>client<br/> <b>ENGLISH RURAL HOUSING ASSOCIATION</b></p> | <p>addr<br/> <b>MAYTHAM ROAD, ROLVENDEN</b></p> | <p>descr<br/> <b>FRONT ELEVATIONS</b></p> | <p>date<br/>                 July '06</p> <p>ref<br/>                 11500/042</p> <p>file<br/>                 4706/05</p> <p>sheet<br/>                 B</p> <p>scale<br/>                 1:100</p> <p>author<br/>                 MICHAEL COOK ASSOCIATES</p> |
|---|---|---|---|



PLANNING & DEVELOPMENT  
 23 NOV 2006  
 FILE REF .....  
 OFFICER .....



Plots 5 & 6  
 NORTH ELEVATION

Plots 3 & 4

Plot 2

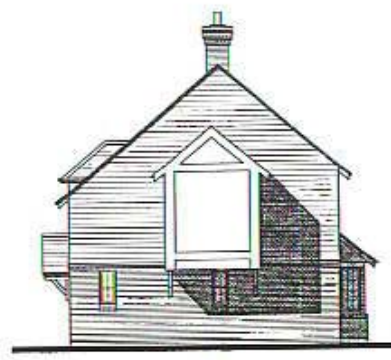
Plot 1



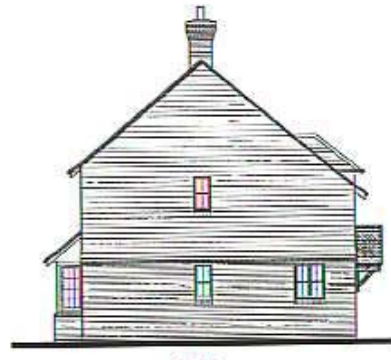
Plots 3 & 4  
 EAST ELEVATION



Plots 3 & 4  
 WEST ELEVATION



Plot 2  
 EAST ELEVATION



Plot 1  
 WEST ELEVATION

136

ENGLISH RURAL HOUSING ASSOCIATION

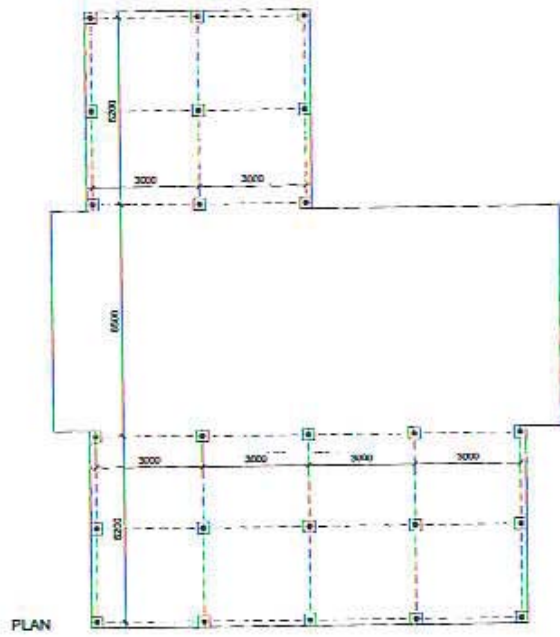
MAYTHAM ROAD, ROLVENDEN

ELEVATIONS SHEET 2

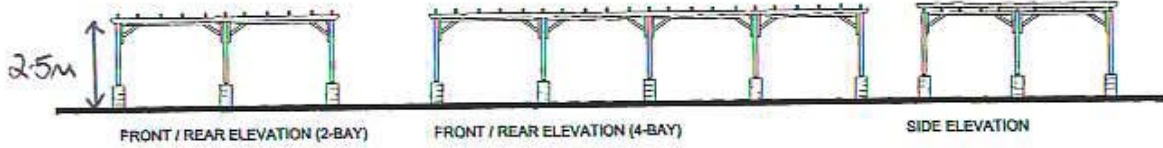
06/0180/AS(3)  
 4706/06 A



Annexe 10



PLAN



FRONT / REAR ELEVATION (2-BAY)

FRONT / REAR ELEVATION (4-BAY)

SIDE ELEVATION

137



08/01/2007

|  |                                |                         |                          |                             |                                |
|--|--------------------------------|-------------------------|--------------------------|-----------------------------|--------------------------------|
| <p>ENGLISH RURAL HOUSING ASSOCIATION</p> | <p>MAYTHAM ROAD, ROLVENDEN</p> | <p>CAR PORT DETAILS</p> | <p>DATE<br/>July '08</p> | <p>SCALE<br/>1:100 (BA)</p> | <p>PROJECT NO.<br/>4706/08</p> |
|--|--------------------------------|-------------------------|--------------------------|-----------------------------|--------------------------------|

M27

**Aban Keeka**

---

**From:** tandgdrew@btopenworld.com  
**Sent:** 28 August 2008 15:51  
**To:** Terry Mortimer  
**Cc:** Aban Keeka  
**Subject:** Cllrs M & H documents  
**Attachments:** Rolvenden Cllr H Pix's Lane.jpg; Rolvenden Cllr M's house 2.jpg; Rolvenden Cllr H Pix's Lane.jpg; Rolvenden Cllr H Pix's Lane 2.jpg

Terry

I am in the process of assembling the bundle of documents re Cllr M and Cllr H as per the appendix to the reports. I propose to post you a complete set re Cllr M including original signed interview notes (ie complete apart from item M2 which I will forward separately by email. The photos M27 are attached.

I will also send you the docs for Cllr H, although for those which are the same as for Cllr M I will list for copying.

I hope this is OK

Regards

Tony











M 28

The White House  
Maytham road  
Rolvenden  
Kent TN17 4NE

27th April 2008

Mr Tony Drew  
TD Investigations

By email to [tdinvestigations@btopenworld.com](mailto:tdinvestigations@btopenworld.com)

Dear Mr Drew

**Standards Board Complaint SBE 19763.07**

I have received notification of your investigation from Ashford Borough Council, and am responding direct to you as requested, and in accordance with their list of points.

- a) I deny breaching the Code of Conduct as alleged.
- b) I list below documents which I wish you to take into account. These will be sent to Ashford Borough Council who have offered to forward them to you. I do not have copies of the formal minutes for which you must contact the Clerk.
- c) I would suggest that you interview Mrs Serra (the Clerk to the Parish Council), Councillor Hindley (who has similar allegations against him) and Councillor Wilkins (Chairman of the Parish Council).
- d) I understand that I am not required to state my case at this stage but I give an overview to confirm that I have not breached the code as alleged, and to clarify the reasons for the documents to be reviewed and which I request you consider.

I will deal first with the last of these headings.

- In my opinion the allegation is malicious and also to promote the personal interest of Mr Barham. It is well known that I have been opposing road access through Monypenny sheltered housing estate to the proposed low-cost housing in the field adjacent to it (Glebe Field). I do not represent the residents formally, but I have often spoken on their behalf. This is in clear contrast to the campaign of Mr Barham to have the access there. In the parish council elections I stood for the first time with this as my main principle, as my campaign flyer confirms. Mr Barham, who was previously Chairman, was not re-elected.

Mr Barham and his family own the 250 acre Hole Park Estate which includes several sites within the village which could be suitable for housing. While Chairman of the Parish Council he did not allow these to be considered but also actively promoted the Glebe Field at Monypenny (not in his ownership). If low cost housing was built at Monypenny then his own land price would likely increase as he would not have to include low cost housing in his proposal.

As a member of the public I previously complained to the Parish Council that Mr Barham was abusing his position. The PC did not agree with me, other than Cllr Hindley, but I did not take it further as the development at Monypenny appeared to have been abandoned at the time.

For these reasons I believe that this allegation is malicious as retaliation for my opposition to him and his position, and to distract me from further involvement.

I request that you consider this situation in your investigations.

- The allegation says that my house is adjacent to the proposed development site. If he means "next to" then it is incorrect.  
Mr Barham's sketch is added roughly onto a plan taken from the planning application website. It exaggerates the size of my house and places it falsely close to the Glebe Field. It also fails to show that there is an agricultural field between my house and the Glebe Field, with a clear 80 yard distance.  
As Mr Barham is a chartered surveyor there is no excuse for such a misleading sketch.  
I have therefore listed an accurate plan and location photograph to assist you.
- I do not live "next to" the site as is cited as an example in the code of practice. I do live "near" but that is not the term chosen for the example in this official guidance. I referred to this document before stating my position.
- I made my position clear to the Parish Council at the meeting in question on 28<sup>th</sup> August 2007  
Mr Barham's allegation does not advise that I made a statement. After my statement that I did not consider myself to have a personal or prejudicial interest there was no dissent from other councillors.  
The specific request from the Chairman Mr Wilkins, for members to consider their position before discussion was an exceptional one. He did it following an interruption from the floor by Mr Barham, who said that a vote should not be allowed and that nearby councillors should not vote, and that the Chairman should ask this precise question.  
The Chairman allowed the interruption, ignoring proper procedure to adjourn the meeting, then chose to act on the instructions given by Mr Barham.

As Mr Barham's interference at the meeting suggested some sort of aggressive campaign I wrote (by email) to the Clerk to make my point perfectly clear in case the point had not been fully recorded.

I believed, and still believe, that my position was correct and that my statement to advise of my position was proper and appropriate.

I therefore request that you examine the minutes of the meeting and my email to the Clerk.

- At the first Parish Council meeting after my election (15<sup>th</sup> May 2007) I had already made my position clear. It was wrongly recorded in the draft minutes, so I wrote to correct it, and it was properly recorded in the formal minutes. All councillors accepted my statement and position on the matter. I request that you examine these minutes and my email.

B. I wish you to refer to the following documents.

- i) Properly scaled drawing, using the same plan as Mr Barham, to show the actual size and location, and the field separating properties. I also ask you to note that the proposed development has all buildings behind the frontage of my house. (enclosed)
- ii) Aerial view of the location of the site and my house (Google Earth), showing the field between, and showing how any development there would have no effect on my property. (enclosed)
- iii) The minutes of the Parish Council meeting on 28<sup>th</sup> August 2007, confirming my statement that I did not consider that I had a personal interest.

The minutes of the following meeting (18<sup>th</sup> September 2007) which confirm the correction. (enclosed)

- iv) My email of 17<sup>th</sup> September 2007 confirming my position. (enclosed)
- v) The minutes of the Parish Council meeting of 15<sup>th</sup> May 2007 confirming my statement that I did not consider that I had a personal interest

The minutes of the following meeting (19<sup>th</sup> June 2007) which confirm my statement. (enclosed)

- vi) My email of 28<sup>th</sup> May 2007 confirming my position. (enclosed)
- vii) Letter from Mr Wilkins (Chairman) enclosing a letter from Ashford Borough Council (ABC). (enclosed).

I have not seen the original letter from Mr Wilkins to ABC but expect it to show Mr Barham's misleading sketch or something similar. I note that the response from ABC confirms that having

received notice of planning application does not mean that there is a personal interest due to location.

I have not been informed why Mr Wilkins chose to send his letter, and it was not done with the approval of the Parish Council. I emailed to ask him to explain (enclosed) but did not receive a reply, so I suggest that you ask to see his letter to ABC.

- viii) My campaign leaflet for the parish council election. (enclosed)
- ix) I also refer you to a current complaint to the Standards Committee against Mr Barham on another matter.
- x) Extract from Standards Board Code of Conduct "guide for members", pages 23 and 24. (enclosed).

C) Persons you may wish to interview.

- i) Mrs Jacqueline Serra, Clerk to Rolvenden Parish Council  
Glenwier  
Tenterden Road  
Cranbrook  
TN17 4JP  
Tel: 01580 241347  
[jackyserra@tiscali.co.uk](mailto:jackyserra@tiscali.co.uk)
- ii) Mr Brian Hindley, Councillor, Rolvenden Parish Council  
High Chimneys  
Sparkwood  
Rolvenden  
TN17 4NE
- iii) Mr John Wilkins, Chairman, Rolvenden Parish Council  
Thornden Oaks  
Thornden Lane  
Rolvenden  
TN17 4PS  
01580 241157  
Email: [john@jwasurveyors.co.uk](mailto:john@jwasurveyors.co.uk)

I trust that the above satisfies your requirements and will be happy to hear of any other information you may require.

Yours sincerely

Duncan Murray

The White House, Maytham Road, Rolvenden, Kent, TN17 4NE

Mr T W Mortimer  
Head of Legal and Democratic Services and Monitoring Officer  
Ashford Borough Council  
Civic Centre  
Tannery Lane  
Ashford  
Kent  
TN23 1PL

1st December 2008

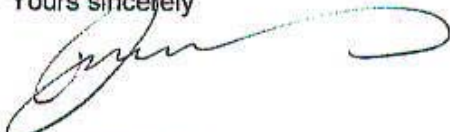
Dear Mr Mortimer

Your ref TWM/PR304-033, Standards Committee

I have received your package of documents and return the completed forms.

I also include some further information to supplement my statements on the forms. This is because there is a photograph which I have not seen before and which I think is very misleading. Also I am surprised that some other misleading documentation is not commented on and so I am clarifying the position.

Yours sincerely



Duncan Murray

RECEIVED  
03 DEC 2008

\*\*\*\*\*

## FORM A

Please enter the number of any paragraph where you disagree with the findings in the Investigator's report, and give your reasons and your suggested alternative.

## Member's response to the evidence set out in the Investigator's report

| Paragraph number from the Investigator's report | Reasons for disagreeing with the findings provided in that paragraph                          | Suggestion as to how the paragraph should read   |
|---|---|--|
| 3.40  | Only the south elevation of Plot 10 is relevant   | Last sentence of third bulleted point should be deleted<br>Other drawings should be removed.                     |
| 3.40  | Only one photograph   | Delete 's' to denote singular.   |
| 3.40  | The photograph is misleading as it is <u>not</u> from the relevant position and is magnified. | From a position outside the development because for information only as it does not represent any relevant view. |
|   |   |  |
|   |   |  |

Please attach separate sheets if necessary.

See attached sheets

## FORM B

Please set out below, using the numbered paragraphs, any other evidence you feel is relevant to the allegation made about you.

## Other evidence relevant to the allegation

| Paragraph number | Details of the evidence    |
|------------------|----------------------------|
| 1                | <i>see attached sheets</i> |
| 2                |                            |
| 3                |                            |
| 4                |                            |
| 5                |                            |

Please attach separate sheets if necessary.

**FORM C**

Please set out below, using the numbered paragraphs, any factors which you consider that the Standards Committee should take into account if it finds that you failed to follow the Code of Conduct.

**Representations to be taken into account if a member is found to have failed to follow the Code of Conduct**

Please note that no such finding has been made yet.

| Paragraph number | Factors for the Standards Committee to take into account when deciding whether or not to order any censure, restriction of resources or allowances, suspension or partial suspension |
|------------------|--|
| 1                | <i>see attached sheets</i>   |
| 2                |  |
| 3                |  |
| 4                |  |
| 5                |  |

Please attach separate sheets if necessary.

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**FORM D**

**Arrangements for the Standards Committee hearing**

Please tick the relevant boxes.

|   |  |   |   |  |                                     |
|---|--|---|---|--|-------------------------------------|
| <p><b>1</b> The proposed date for the Standards Committee hearing is given in the accompanying letter. Are you planning to go to the hearing?<br/>If "No", please explain why.</p>                  | <p>YES <input checked="" type="checkbox"/><br/>NO <input type="checkbox"/></p> | <p>Reasons:<br/>_____<br/>_____<br/>_____</p>           | <p><b>6</b> Are you going to call any witnesses?<br/>If "Yes", please fill in Form E.</p>   | <p>YES <input type="checkbox"/><br/>NO <input checked="" type="checkbox"/></p> |                                     |
| <p><b>2</b> Are you going to present your own case?</p>   | <p>YES <input checked="" type="checkbox"/><br/>NO <input type="checkbox"/></p> |   | <p><b>7</b> Do you, your representative or your witnesses have any access difficulties (for example, is wheelchair access needed)?<br/>If "Yes", please give details.</p>   | <p>YES <input type="checkbox"/><br/>NO <input type="checkbox"/></p>            | <p>Details:<br/>_____<br/>_____</p> |
| <p><b>3</b> If you are not presenting your own case, will a representative present it for you?<br/>If "Yes", please state the name and address of your representative.</p>                          | <p>YES <input type="checkbox"/><br/>NO <input type="checkbox"/></p>            | <p>Name:<br/>_____<br/>Address:<br/>_____<br/>_____</p> | <p><b>8</b> Do you, your representative or your witnesses have any special needs (for example, is an interpreter needed)?<br/>If "Yes", please give details.</p>  | <p>YES <input type="checkbox"/><br/>NO <input checked="" type="checkbox"/></p> | <p>Details:<br/>_____<br/>_____</p> |
| <p><b>4</b> Is your representative a Practising solicitor or barrister?<br/>If "Yes", please give his or her legal qualifications. Then go to question 6.<br/>If "No", please go to question 5.</p> | <p>YES <input type="checkbox"/><br/>NO <input type="checkbox"/></p>            | <p>Qualifications:<br/>_____<br/>_____<br/>_____</p>    | <p><b>9</b> Do you consider any part of the hearing should be held in private?<br/>If "Yes", please give reasons.<br/><b>Note:</b> It may not be possible to hold any part of the hearing in private as this can only be done on very limited grounds.</p>          | <p>YES <input type="checkbox"/><br/>NO <input checked="" type="checkbox"/></p> | <p>Reasons:<br/>_____<br/>_____</p> |
| <p><b>5</b> Does your representative have any connection with the case?<br/>If "Yes", please give details</p>   | <p>YES <input type="checkbox"/><br/>NO <input type="checkbox"/></p>            | <p>Details:<br/>_____<br/>_____<br/>_____</p>           | <p><b>10</b> Do you consider any part of the relevant documents should be withheld from public inspection?<br/>If "Yes" please give reasons.<br/><b>Note:</b> It may not be possible to withhold any Documents as this can only be done on very limited grounds</p> | <p>YES <input type="checkbox"/><br/>NO <input checked="" type="checkbox"/></p> |                                     |

Please attach separate sheets if necessary

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**FORM E**

**Arrangements for the Standards Committee hearing**

152

|  |   |  |  |   |   |
|--|---|--|--|---|---|
| <p>Name of witness or witnesses</p>  | <p>1<br/><br/>2<br/><br/>3</p>  | <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>  | <p><b>WITNESS 2</b></p> <p><b>a</b> Will the witness give evidence about the allegation?</p> <p>If "Yes", please provide an Outline of the evidence the Witness will give.</p> <p><b>b</b> Will the witness give evidence about what action the Standards Committee should take if it finds that the Code of Conduct has not ben followed?</p> <p>If "Yes", please provide an Outline of the evidence the Witness will give.</p> | <p>YES<br/><input type="checkbox"/></p> <p>NO<br/><input type="checkbox"/></p> <p>YES<br/><input type="checkbox"/></p> <p>NO<br/><input type="checkbox"/></p> | <p><b>Outline of evidence:</b></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p><b>Outline of evidence:</b></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> |
| <p><b>WITNESS 1</b></p> <p><b>a</b> Will the witness give evidence about the allegation?</p> <p>If "Yes", please provide an Outline of the evidence the Witness will give.</p> <p><b>b</b> Will the witness give evidence about what action the Standards Committee should take if it finds that the Code of Conduct has not ben followed?</p> <p>If "Yes", please provide an Outline of the evidence the Witness will give.</p> | <p>YES<br/><input type="checkbox"/></p> <p>NO<br/><input type="checkbox"/></p> <p>YES<br/><input type="checkbox"/></p> <p>NO<br/><input type="checkbox"/></p> | <p><b>Outline of evidence:</b></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p><b>Outline of evidence:</b></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> | <p><b>WITNESS 3</b></p> <p><b>a</b> Will the witness give evidence about the allegation?</p> <p>If "Yes", please provide an Outline of the evidence the Witness will give.</p> <p><b>b</b> Will the witness give evidence about what action the Standards Committee should take if it finds that the Code of Conduct has not ben followed?</p> <p>If "Yes", please provide an Outline of the evidence the Witness will give.</p> | <p>YES<br/><input type="checkbox"/></p> <p>NO<br/><input type="checkbox"/></p> <p>YES<br/><input type="checkbox"/></p> <p>NO<br/><input type="checkbox"/></p> | <p><b>Outline of evidence:</b></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p><b>Outline of evidence:</b></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> |

Please attach separate sheets if necessary

**Standards Hearing. Duncan Murray.**

**Additional information as response to Forms A and B**

I have seen for the first time in the package of papers sent to me, a photograph of my house presented by the inspector. This is a grossly misleading picture for several reasons.

As the whole issue is whether my house is close enough or visible enough to suggest a perceived personal interest then the accuracy of the information is fundamental.

The photograph is taken from a position in the Glebe Field which will not be part of the development. By taking the picture from this spot it shows my house to include some of the frontage when this is not relevant. I have assessed where the picture was taken from and enclose a copy of my own picture as confirmation. The position is shown (A) on the attached plan. You will see that it is not within the proposed development but well to the front of it in what will remain a field.

The inspector's picture has been taken with a zoom lens, and I assess it to be about 8 x magnification. It therefore gives a very false impression of proximity. Not only does a zoom lens make a subject appear to be larger, but it also gives the effect of compressing the foreground. It thus makes the house appear very much closer to Glebe Field than it is.

The picture is taken from several metres back from the hedge, on highish ground. Thus the picture barely shows the high hedge.

To give a more accurate impression I have taken photographs as follow, and as annotated on the plan.

- A) i) A similar picture to that by the inspector, both in position and zoom lens.
- A) ii) From the identical position but with normal lens setting to represent what the eye perceives and thus a realistic impression.
- B) From the position that should have been used, i.e. from the front corner of the nearest proposed house, with a normal lens setting. This is, I believe, the picture the inspector should have presented to you.

It should be noted that my house has no rear garden and only a narrow gap on the 'Glebe' side. The main feature of the house is the front courtyard, protected in a U shape of the building and from this area it is impossible to see the Glebe Field at all. A picture is attached from the front of the courtyard looking in the direction of Glebe Field.

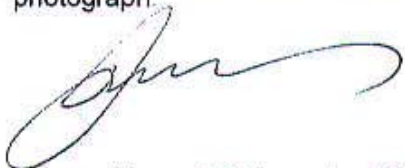
For completeness I have also included a photograph from my front garden, across the adjacent field towards the Glebe Field. The building seen to the left distance is Monypenny, and the proposed development will be next to it.

The inspector has only included the one, misleading picture. Other photographs are included in the package in error and I see that they are from Pix's Lane outside Cllr Hindley's house. One is taken towards Glebe Field and the other in the opposite direction. If the inspector had taken the equivalent pictures at my house then they would show that the proposed housing would not be seen from this point.

I am also concerned that Mr Barham's grossly misleading sketch has been included without comment from the inspector. Mr Barham's sketch shows my house very much closer and larger than reality (about half the distance and twice the size) and this will have misled everyone from the outset. I therefore enclose annotated plans and Google Earth pictures to confirm the real situation.

I enclose these because I had expected the report to have commented on the inaccuracy of Mr Barham's drawing.

To summarise: the technical aspects of location and scale have been misrepresented. My house is further from the proposed housing and also smaller and more concealed than you might understand from the report or photograph.



Duncan Murray 30 November 2008

**Standards Hearing. Duncan Murray.**

**Additional information as response to Form C**

1 When I was elected to the Parish Council I carried out extensive research as to whether I had a personal interest. For this I used the web which gave access to Standards Board documents including precedents, advice and the Code of Conduct

I also looked for any similar cases by web searches and found none similar. Based on this research it was my conclusion that I did not have a personal interest.

The most important point I found was the Standard Board's example of living "next" to a property. If they meant "near to" then they would have said so.

2. I was a newly elected councillor. I was not aware that the services of the Monitoring Officer might be available to me even before I had been installed at the first meeting. Only much later did I come to know of this advice being available.

3. At the very first meeting of the new Parish Council I made a statement that I did not consider myself to have a personal interest in the matter of low cost housing on Glebe Field. I explained that this was on the basis of the distance between the properties. There was no adverse comment (Note that this includes the Chairman who subsequently said to the inspector that he thought I had an interest, although he had not communicated that opinion to me).

4. As the minutes of the first meeting misinterpreted my statement I had it corrected. This was then discussed at the second meeting, and again nobody commented.

5. In subsequent research I still cannot find any information on how close a property should be away from a development in order to constitute a personal interest. I have found examples though which suggest my decision is sound. I have also found evidence that making a clear statement of why you have reached a decision is fair and the proper thing to do.

6. At the August 2007 meeting where the subject came up again (and when Mr Barham interrupted from the floor) I could see no reason to alter my opinion. I had made my case clear already. However I again stated my position and why I had reached this decision. Again no Parish Councillor commented.

7. The query from Cllr Wilkins to the Monitoring Officer received a response that confirmed my position that being on the council's planning notice list didn't confirm an interest but it would depend on proximity and topography. This was my point exactly and so did not change my opinion.

8. The inspector's report states that he believes that I should have declared a personal interest. He acknowledges that is his personal opinion. He provides no evidence or precedent to back his opinion. It would appear that no such information exists.

I, on the other hand can show that I do not live "next" to the development site as quoted by the Standards Board as guidance. So I consider that my opinion is at least as good as his and I stand by it unless something to the contrary can be demonstrated.

To summarise, I took the matter very seriously indeed. It was absolutely clear that I did not have a prejudicial interest, as is agreed by the inspector. I considered whether I had a personal interest and decided I had not. I could easily have declared a personal interest and entered into discussion and voting without hindrance. But I considered that it was my duty to make my decision to the best of my ability based on the reality.

I had nothing to gain by either declaring a personal interest or not.

To avoid any doubt, and in the spirit of fairness and openness, I did make a statement to the parish council and would have expected them to comment if they disagreed.

I trust that the committee acknowledges that I could not have been any more considerate or open, and had nothing to gain.

If the Standards Committee considers that I should have declared a personal interest then I will be eager to see the precedent and logic leading to that opinion.

Therefore, in the event that the Standards Committee consider that I should have declared a personal interest I will accept that they are entitled to their opinion and ask for advice for future decisions but that no further action is required.



Duncan Murray 30 November 2008

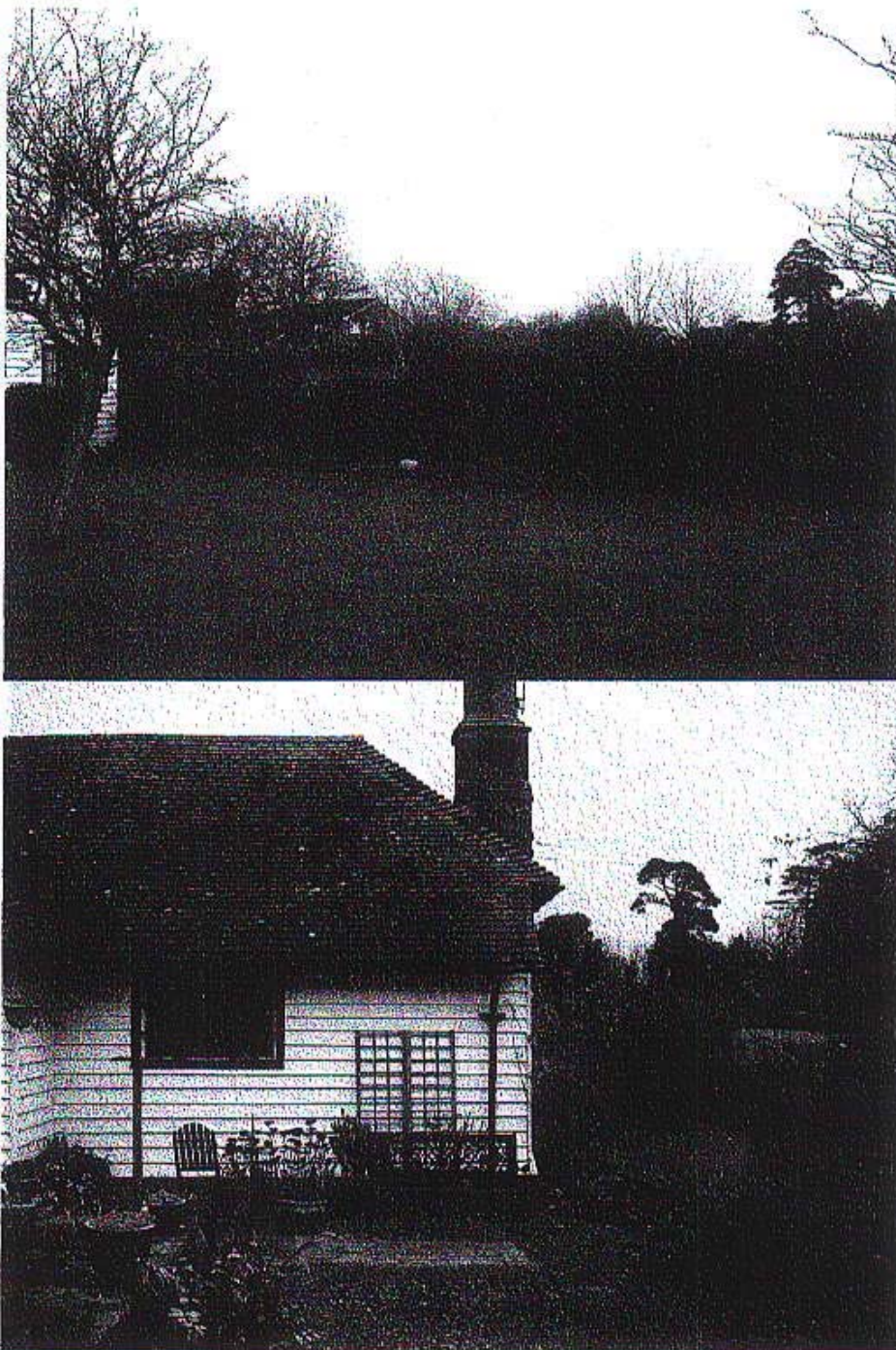


This is taken from the position of the front proposed house and is therefore the appropriate place for a photograph. The picture gives a realistic impression of size and distance. The main white shape is NOT my house but a lorry parked in the Club car park.



From the position used by the inspector. Note that this is completely outside the proposed development: an area which will remain as field. The black screen is on the site boundary, and far from the houses. The top picture shows a realistic view although still irrelevant. The bottom picture is as large as my zoom will allow and is still not as extreme as that which the inspector has presented.





These pictures are from my garden towards Glebe Field. The upper picture is from near to the road, angled back to show the location of the proposed development. The Monypenny Sheltered Housing Block of flats is to the distant left next to the proposed development.

The lower picture is the view towards Glebe Field from our front courtyard. The field seen beyond the hedge is the adjacent field. In the distance is Glebe Field and the view shown will remain unchanged as housing will all be to the left of the field.



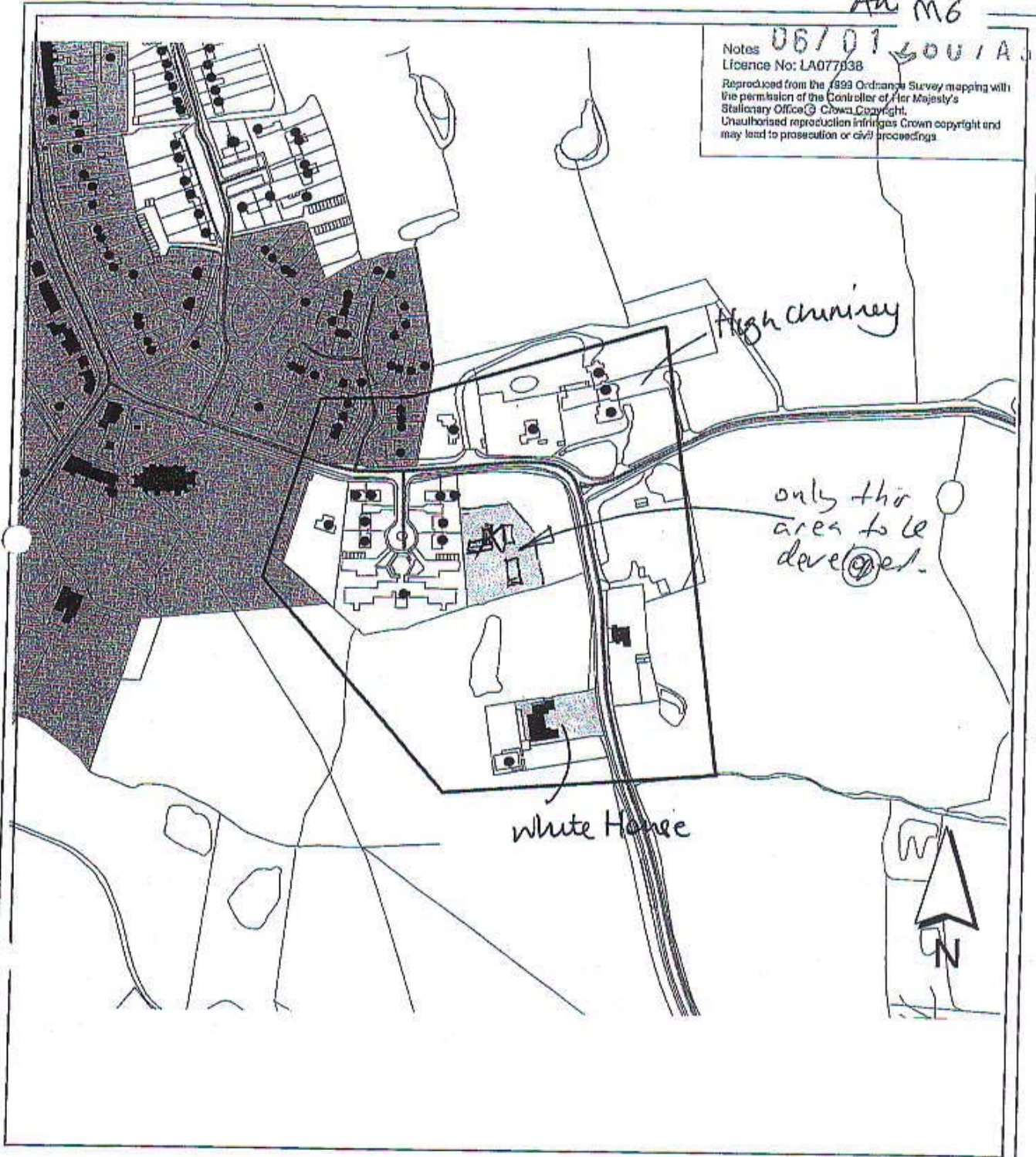
White  
House

Farmers  
Field



An M6

Notes 06/01 501/A  
Licence No: LA077838  
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**NEIGHBOURS CONSULTED**

**ASHFORD BOROUGH COUNCIL**

PROCEDURE FOR LOCAL DETERMINATION HEARINGS

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## PROCEDURE FOR LOCAL DETERMINATION HEARINGS

### 1. Interpretation

- (a) 'Member' means the member or co-opted or former member of a relevant authority who is the subject of the allegation being considered by the Committee, unless stated otherwise. It also includes the member's nominated representative.
- (b) 'Investigator' or 'Investigating Officer' means the Ethical Standards Officer (ESO) who referred the report to the authority, and includes his or her nominated representative.<sup>1</sup> In the case of matters referred to for local investigation, references to the Investigator or Investigating Officer mean the person appointed by the Monitoring Officer to undertake the investigation (which may include the Monitoring Officer and his/her nominated representative).
- (c) 'The Matter' is the subject matter of the investigator's report.
- (d) 'The Committee' refers to the Standards Committee or to any Standards Sub-Committee to which it has delegated the conduct of the hearing.
- (e) 'The Committee Support Officer' means an officer of the authority responsible for supporting the Committee's discharge of its functions and recording the decisions of the Committee.
- (f) 'Legal Advisor' means the officer responsible for providing legal advice to the Committee. This may be the Monitoring Officer, another legally qualified officer of the authority, or someone appointed for this purpose from outside the authority.
- (g) 'The Chairman' refers to the person presiding at the hearing.

### 2. Modification of Procedure

The Chairman may agree to vary this procedure in any particular instance where he/she is of the opinion that such a variation is necessary in the interests of fairness.

### 3. Representation

The Member may be represented or accompanied during the meeting by a solicitor, counsel or, with the permission of the Committee, another person other than someone who will also be a witness. Note that the cost of such

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<sup>1</sup> In practice, the matter is referred by the ESO to the Monitoring Officer, who is then responsible for reporting the matter to the Committee. It is, therefore, convenient for the Monitoring Officer to conduct the pre-hearing process and to present the introductory report to the Committee at the commencement of the hearing.

representation must be met by the Member, unless the Committee has expressly agreed to meet all or any part of that cost.<sup>2</sup>

4. **The Pre-Hearing Procedure**

The Monitoring Officer shall conduct the Pre-Hearing Procedure in accordance with the attached procedure.

5. **Legal Advice**

The Committee may take legal advice from its Legal Advisor at any time during the hearing or while they are considering the outcome. The substance of any legal advice given to the Committee should be shared with the Member and the Investigator if they are present.<sup>3</sup>

6. **Setting the Scene at the Hearing**

At the start of the hearing, the Chairman shall introduce each of the members of the Committee, the Member (if present), the Investigator (if present) and any other officers present, and shall then explain the procedure which the Committee will follow in the conduct of the hearing.

7. **Preliminary Procedural Issues**

The Committee shall then deal with the following preliminary procedural matters in the following order:

(a) Disclosures of interest

The Chairman shall ask members of the Committee to disclose the existence and nature of any personal or prejudicial interests which they have in the matter, and to withdraw from consideration of the matter if so required.

(b) Quorum

The Chairman shall confirm that the Committee is quorate.<sup>4</sup>

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<sup>2</sup> Once regulations are made under Section 100 of the Local Government Act 2000, authorities will have a discretion to provide an indemnity to Councillors in specified circumstances.

<sup>3</sup> In the interests of openness, the Committee may prefer to receive any such advice in the main hearing room in the presence of the Investigator and the Member. Where this is not practicable, the Legal Advisor should repeat in the presence of the Investigator and the Member the advice which he/she has tendered.

<sup>4</sup> A meeting of the Committee is not quorate unless at least three Members of the Committee are present for the duration of the meeting. The three Members must include at least one Independent Member, unless an Independent Member would have been present but was precluded from participating in any of the business of the Committee in consequence of a prejudicial interest under the Council's Code of Conduct. If the Committee is responsible for Parish Council matters, it must include at least one Parish Council representative amongst its Members. However it is only a requirement that the parish representative is actually present when the Committee is dealing with a parish matter. Parish Sub-Committees, convened to deal with a parish matter, must have a parish representative as a Member of the Sub-Committee, but there is no requirement for him/her actually to attend the meeting for it to be quorate. [The Relevant Authorities (Standards Committee) Regulations 2001, Regulations 3 and 6. SI 2001 No. 2812].

(c) Hearing Procedure

The Chairman shall confirm that all present know the procedure which the Committee will follow in determining the matter.

(d) Proceeding in the absence of the Member

If the Member is not present at the start of the hearing:-

- (i) the Chairman shall ask the Monitoring Officer whether the Member has indicated his/her intention not to attend the hearing;
- (ii) the Committee shall then consider any reasons which the Member has provided for not attending the hearing and shall decide whether it is satisfied that there is sufficient reason for such failure to attend;
- (iii) if the Committee is satisfied with such reasons, it shall adjourn the hearing to another date subject to its overriding duty to determine the Matter within three months;
- (iv) if the Committee is not satisfied with such reasons, or if the Member has not given any such reasons, the Committee shall decide whether to consider the Matter and make a determination in the absence of the Member or to adjourn the hearing to another date.

(e) Exclusion of Press and Public

The Committee may exclude the press and public from its consideration of this Matter where it appears likely that confidential or exempt information will be disclosed in the course of this consideration.

The Chairman shall ask the Member, the Investigator and the Legal Advisor to the Committee whether they wish to ask the Committee to exclude the Press or public from all or any part of the hearing. If any of them so request, the Chairman shall ask them to put forward reasons for so doing and ask for responses from the others and the Committee shall then determine whether to exclude the press and public from all or any part of the hearing.

Where the Committee does not resolve to exclude press and public, the agenda and any documents which have been withheld from the press and public in advance of the meeting shall then be made available to the press and public.



8. **The Hearing of the Allegations of a failure to comply with the Code of Conduct**<sup>5</sup>

The Committee will then address the issue of whether the Member failed to comply with the Code of Conduct in the manner set out in the Investigator's report.<sup>6</sup>

- (a) The Chairman shall ask the Member to confirm that he/she maintains the position as set out in the pre-hearing summary.
- (b) The Pre-Hearing Process Summary

The Chairman will ask the Legal Advisor or the Committee Support Officer<sup>7</sup> to present his/her report, highlighting any points of difference in respect of which the Member has stated that he/she disagrees with any finding of fact in the Investigator's report. The Chairman will then ask the Member to confirm that this is an accurate summary of the issues and ask the Member to identify any additional points upon which he/she disagrees with any finding of fact in the Investigator's report.

- (i) If the Member admits that he/she has failed to comply with the Code of Conduct in the manner described in the Investigator's report, the Committee may then make a determination that the member has failed to comply with the Code of Conduct in the manner described in the Investigator's report and proceed directly to consider whether any action should be taken (Paragraph 8).
- (ii) If the Member identifies additional points of difference, the Chairman shall ask the Member to explain why he/she did not identify these points as part of the pre-hearing process. He/she shall then ask the Investigator (if present) whether he/she is in a

<sup>5</sup> The model procedure recommended by the Standards Board suggests that the Committee should first determine findings of fact and then determine whether there has been a failure to comply with the Code of Conduct. I suggest that these two are so closely connected that the Committee may find that it can conveniently determine the two together without any loss of fairness.

<sup>6</sup> Note that the Committee's consideration is limited to a possible failure to comply with the Code of Conduct in the terms set out in the Investigator's report. It is possible that, in the course of their consideration, the Committee apprehend that the Member may have failed to comply with the Code of Conduct in some other manner (for example that the Member's alleged failure to treat a person with respect appears also, or in the alternative, to be conduct likely to bring the Member's office or authority into disrepute). Note that such a possible additional or alternative failure will not, at that stage be able to be considered since the Member will not have had notice of the Committee's consideration of the possible additional or alternative failure and that it would therefore be unfair to proceed to consider that second matter at the hearing into the first alleged failure. Where the Committee do apprehend a possible additional or alternative failure, a failure by a different member, or a failure in respect of the code of conduct of another authority, they should refer the second matter to the Monitoring Officer with a view to a separate allegation being made to the Standards Boards for England.

<sup>7</sup> As set out above, unless conflicted out, it is likely that the Monitoring Officer will:-

- (i) take on the conduct of the pre-hearing process;
- (ii) present an introductory report to the Committee at the commencement of the hearing setting out the outcomes of the pre-hearing process;
- (iii) will (if legally qualified) act as the Legal Advisor to the Committee; and
- (iv) will distribute and publish any required notices of the Committee's determination.

However, there may be reasons in particular cases for the Monitoring Officer to arrange for any or all of these functions to be carried out on his/her behalf.

position to deal with those additional points of difference directly or through any witnesses who are in attendance or whose attendance at the hearing can conveniently be arranged. Where the Committee is not satisfied with the Member's reasons for failing to identify each additional point of difference as part of the pre-hearing process, it may decide that it will continue the hearing but without allowing the member to challenge the veracity of those findings of fact which are set out in the Investigator's report but in respect of which the member did not identify a point of difference as part of the pre-hearing process, or it may decide to adjourn the hearing to allow the Investigator and/or any additional witnesses to attend the hearing.

(c) Presenting the Investigator's report

- (i) If the Investigator is present, the Chairman will then ask the Investigator to present his/her report, having particular regard to any points of difference identified by the Member and why he/she concluded, on the basis of his/her findings of fact, that the Member had failed to comply with the Code of Conduct. The Investigator may call witnesses as necessary to address any points of difference.
- (ii) If the Investigator is not present, the Committee shall only conduct a hearing if they are satisfied that there are no substantial points of difference or that any points of difference can be satisfactorily resolved in the absence of the Investigator. In the absence of the investigator, the Committee shall determine on the advice of the Monitoring Officer which witnesses, if any, to call. Where such witnesses are called, the Chairman shall draw the witnesses attention to any relevant section of the Investigator's report and ask the witness to confirm or correct the report and to provide any relevant evidence.
- (iii) No cross-examination shall be permitted but, at the conclusion of the Investigator's report and/or of the evidence of each witness, the Chairman shall ask the Member if there are any matters upon which the Committee should seek the advice of the Investigator or the witness.

(d) The Member's response

- (i) The Chairman shall then invite the Member to respond to the Investigator's report and to call any witnesses as necessary to address any points of difference.
- (ii) No cross-examination shall be permitted but, at the conclusion of the Member's evidence and/or of the evidence of each witness, the Chairman shall ask the Investigator if there are any matters upon which the Committee should seek the advice of the Member or the witness.

- (e) Witnesses
- (i) The Committee shall be entitled to refuse to hear evidence from the Investigator, the Member or a witness unless they are satisfied that the witness is likely to give evidence which they need to hear in order to be able to determine whether there has been a failure to comply with the code of conduct.
  - (ii) Any Member of the Committee may address questions to the Investigator, to the Member or to any witness.
- (f) Determination as to whether there was a failure to comply with the Code of Conduct
- (i) At the conclusion of the Member's response, the Chairman shall ensure that each member of the Committee is satisfied that he/she has sufficient information to enable him/her to determine whether there has been a failure to comply with the code of conduct as set out in the Investigator's report. If the Standards Committee at any stage prior to determining whether there was a failure to comply with the Code of Conduct are of the opinion that they require additional evidence on any point in order to be able to come to a considered conclusion on the matter, the Standards Committee may (on not more than one occasion) adjourn the hearing and make a request to the Investigating Officer to seek and provide such additional evidence and to undertake further investigation on any point specified by the Standards Committee.
  - (ii) Unless the determination merely confirms the Member's admission of a failure to comply with the Code of Conduct (as set out in Paragraph 6(b)(i) above), the Committee shall then retire to another room to consider in private whether the Member did fail to comply with the Code of Conduct as set out in the Investigator's report.
  - (iii) The Committee shall take its decision on the balance of probability based on the evidence which it has received at the hearing.
  - (iv) The Committee's function is to make a determination on the matter. It may, at any time, return to the main hearing room in order to seek additional evidence from the Investigator, the Member or a witness, or to seek the legal advice from or on behalf of the Monitoring Officer. If it requires any further information, it may adjourn and instruct an officer or request the Member to produce such further evidence to the Committee.

- (v) At the conclusion of the Committee's consideration, the Committee shall consider whether it is minded to make any recommendations to the authority with a view to promoting high standards of conduct among Members.
- (vi) The Committee shall then return to the main hearing room and the Chairman will state the Committee's principal findings of fact and their determination as to whether the member failed to comply with the Code of Conduct as set out in the Investigator's report.

9. **If the Member has not failed to follow the Code of Conduct**

If the Committee determines that the Member has not failed to follow the Code of Conduct in the manner set out in the Investigator's report:

- (a) If the Committee apprehends, from the evidence which they have received during the hearing, that a member has failed to comply with the Code of Conduct (other than the Matter which the Committee has just determined), the Chairman shall outline the Committee's concerns and state that the Committee has referred this additional or alternative failure to the Monitoring Officer with a view to a further allegation being made to the Standards Board for England.
- (b) The Chairman should then set out any recommendations which the Committee is minded to make to the authority with a view to promoting high standards of conduct among Members and seek the views of the Member, the Investigator and the Legal Advisor before the Committee finalises any such recommendations.
- (c) Finally, the Chairman should ask the Member whether he/she wishes the authority not to publish a statement of its finding in a local newspaper.

10. **Action consequent upon a failure to comply with the Code of Conduct**

- (a) The Chairman shall ask the Investigator (if present, or otherwise the Legal Advisor) whether, in his/her opinion, the Member's failure to comply with the Code of Conduct is such that the Committee should impose a sanction and, if so, what would be the appropriate sanction.<sup>8</sup>

<sup>8</sup> The sanctions which are available to the Committee under the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003, Regulation 7, as amended by the Local Authorities (Code of Conduct) (Local Determination (Amendment) Regulations 2004 are any, or any combination, of the following:-

- (i) censure of that member;
- (ii) restriction for a period up to a maximum of three months of that member's access to the premises of the authority and that member's use of the resources of the authority, provided that any such restrictions imposed upon the member –
  - (aa) are reasonable and proportionate to the nature of the breach; and
  - (bb) do not unduly restrict the member's ability to perform his functions as a member;
- (iii) partial suspension (a) of that member for a period up to a maximum of three months;
- (iv) suspension (b) of that member for a period up to a maximum of three months;
- (v) a requirement that that member submit a written apology in a form specified by the Standards Committee;

- (b) The Chairman will then ask the Member to respond to the Investigator's advice.
- (c) The Chairman will then ensure that each member of the Committee is satisfied that he/she has sufficient information to enable him/her to take an informed decision as to whether to impose a sanction and (if appropriate) as to the form of the sanction.
- (d) Any member of the Committee may address questions to the Investigator or to the Member as necessary to enable him/her to take such an informed decision.
- (e) The Committee shall then retire to another room to consider in private whether to impose a sanction, (where a sanction is to be imposed) what sanction to impose and when that sanction should take effect, and any recommendations which the Committee will make to the authority with a view to promoting high standards of conduct.
- (f) At the completion of their consideration, the Committee shall return to the main hearing room and the Chairman shall state the Committee's decisions as to whether to impose a sanction and (where a sanction is to be imposed) the nature of that sanction, and when it should take effect, together with the principal reasons for those decisions, and any recommendations which the Committee will make to the authority.

11. **Reference back to the Ethical Standards Officer**

If at any time before the Committee has determined upon any appropriate sanction, it considers that the nature of the failure to comply with the Code of Conduct is such that the appropriate sanction would exceed the powers of the Committee, it may request the Monitoring Officer to refer the matter back to

- 
- (vi) a requirement that that member undertake training as specified by the Standards Committee;
  - (vii) a requirement that the member undertake conciliation as specified by the Standards Committee;
  - (viii) partial suspension of that member for a period up to a maximum of three months or until such time as he submits a written apology in a form specified by the Standards Committee;
  - (ix) partial suspension of that member for a period up to a maximum of three months or until such time as he undertakes such training or conciliation as the Standards Committee may specify;
  - (x) suspension of that member for a period up to a maximum of three months or until such time as he submits a written apology in a form specified by the Standards Committee;
  - (xi) suspension of that member for a period up to a maximum of three months or until such time as he undertakes such training or conciliation as the Standards Committee may specify".
- (a) See section 83(7), (9) and (10) of the Act for the interpretation of partial suspension
  - (b) See section 83(9) and (10) of the Act for the interpretation of suspension.

Any sanction imposed shall commence immediately unless the Committee direct (for any sanction other than censure) that it shall commence on any date specified by the Committee within six months of the date of the hearing. The effect of suspension is temporarily to deprive the Member of the benefits of any position within this authority from which the Member is suspended, for the duration of the suspension. Thus, during the period of suspension, a Member who is suspended from the Executive would lose any special responsibility allowances which he/she received as a Member of the Executive. A Member who is suspended in total would also lose any basic allowances for the duration of the suspension, and be unable to claim any travelling or subsistence allowances as they would not be incurring any such expenses in the discharge of their functions as a Councillor. But at the end of the period of suspension, the Councillor would automatically slot back into the positions which he/she held prior to the suspension, unless the Council had positively removed him/her from any such position in the meantime.

the Ethical Standards Officer and may adjourn the hearing until the Monitoring Officer advises the Committee of the Ethical Standards Officer's response to such a request.

12. **The Close of the Hearing/Appeals**

- (a) The Committee will announce its decision on the day of the hearing and provide the Committee Support Officer with a short written statement of their decision, which the Committee Support Officer will deliver to the Member as soon as practicable after the close of the hearing;
- (b) The Chairman will thank all those present who have contributed to the conduct of the hearing and formally close the hearing
- (c) Following the close of the hearing, the Committee Support officer will agree a formal written notice of the Committee's determination and the Monitoring Officer shall arrange for the distribution and publication of that notice (or a summary of that notice, where required) in accordance with Regulation 8 of the Local Authorities (Code of Conduct)(Local Determination) Regulations 2003.<sup>9</sup>
- (d) The notice to the Member shall include a statement as to the rights of the Member to seek permission to appeal from the president of the Adjudication Panel within 21 days of receipt of notification of the finding and shall provide the Member with the necessary appeal form.

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<sup>9</sup> Note that the summary will include:-

- (a) the name of the Member
- (b) the alleged failure to comply with the Code of Conduct
- (c) the finding of the Committee that the Member did or did not fail to comply with the Code of Conduct
- (d) the details of any failure
- (e) brief reasons for the finding
- (f) any sanction or other action determined or recommended
- (g) a statement that the Member has a right of appeal

## **THE PRE-HEARING PROCEDURE**

### **1. Purpose of Pre-Hearing Procedure**

The pre-hearing process is designed to address procedural issues in order to ensure local determinations are dealt with fairly and efficiently.

The aims are:-

- (a) to identify whether the member the subject of the hearing disagrees with any of the findings of fact in the report of the investigator;
- (b) to decide whether any disagreements are significant to the hearing;
- (c) to decide whether or not to hear evidence about these disagreements;
- (d) to decide whether any parts of the hearing should be held in private or any parts of the investigator's report should be withheld from the public.

### **2. Format of Pre-Hearing Procedure**

The pre-hearing process will be conducted in writing by the Monitoring Officer.

### **3. Notification to the Member**

Upon **EITHER**

- (i) reference of a matter from an Ethical Standards Officer for local determination following completion and receipt of the Ethical Standards Officer's report, **OR**
- (ii) receipt of the final report of the Investigating Officer on a matter referred for local investigation which includes a finding that the member failed to comply with the relevant Code of Conduct or where the Standards Committee finds that the matter should be considered at a formal hearing the Monitoring Officer will:-
  - (a) arrange a (provisional) date for the hearing (not less than 35 days from the date the investigator's report is received by him but the hearing must be held within the period of three months from the date the Monitoring Officer received the final report) and identify the Committee or Sub-Committee by which the hearing will be held;
  - (b) notify the members of the Committee/Sub-Committee of the date;
  - (c) notify the member of the reference of the complaint for local determination (where relevant), of the provisional date for the hearing

and provide the member with a copy of the Investigator's report, the pre-hearing procedure note and the hearing procedure;

- (d) notify the Parish Clerk of the same matters in the case the relevant member is a Parish Councillor;
- (e) notify the complainant of the same matters.

#### 4. **Pre-Hearing Inquiries of the Member**

Following notification under paragraph 3 the Monitoring Officer will write to the member and require him to complete and return within 14 days (or such longer period as the Monitoring Officer shall in his discretion permit) Forms A to E substantially in the form recommended by the Standards Board. These forms will ask the member to identify findings of fact with which the member disagrees; identify any additional evidence relevant to the allegation, and to provide detailed information relevant to attendance at the hearing and calling of witnesses and views on the need for private hearings in whole or part.

- Notes:**
- (a) The presumption is that the hearing will be conducted in public and that all documentation will be available for public inspection at least five clear days before the hearing. The decision to conduct all or any part of the hearing in private or to withhold any document from public inspection will be taken in accordance with the legal provisions on access to information in the Local Government Act 1972 (as amended) having due regard to the Human Rights Act 1998. A note on admission of press and public to Standards Committee hearings is attached to the Hearing Procedure.
  - (b) Having been given an opportunity to identify disagreement with the findings of fact contained in the report of the investigator, the member will not be permitted to raise at the hearing any new disagreement, unless exceptional reasons exist for doing so e.g. as a result of new evidence which has only just become available.
  - (c) The provisional hearing date will not be changed unless the reasons why he/she/the representative is unable to attend on the proposed date. Even where there are good reasons to change a date, the hearing may have to take place in the absence of the member or representative if necessary to enable the Committee/Sub-Committee to make a determination within the period required by law.
  - (d) If the member fails or declines to acknowledge receipt of the investigator's report or return the Forms A to E (or any of them) or decides not to attend the hearing, the Committee or Sub-Committee may hear the case in his absence.



5. **Pre-Hearing Inquiries of the Investigator**

On receipt of the response of the member to the investigator's report and the forms referred to in section 4 (or on the expiry of 14 days or such longer period as has been permitted from their being sent to the member whichever is the sooner), the Monitoring Officer will:-

- (a) notify the investigator of the date of the hearing;
- (b) invite the investigator to comment on the member's response (if any) within 14 days and indicate whether he intends to attend the hearing or be represented or give evidence or call witnesses and whether he wishes any part of the hearing to be held in private or any part of his report to be withheld from the public;
- (c) invite the attendance of the investigator if the proper conduct of the hearing requires it in the opinion of the Monitoring Officer.

6. **Preparations for Hearing**

- (a) The Monitoring Officer shall identify any areas of dispute between the member and the investigator and arrange for the attendance of any necessary witnesses to enable the hearing to resolve any such points of difference.
- (b) The Monitoring Officer shall have the discretion to decide whether the hearing date should be changed and, subject to ratification by a resolution of the Committee or Sub-Committee conducting the hearing, whether any part of the hearing should be conducted in private or any part of the investigator's report or documents should be withheld from the public.
- (c) The Monitoring Officer shall prepare a Pre-Hearing Summary Report summarising:-
  - (i) the complaint;
  - (ii) the investigator's report and findings;
  - (iii) the conduct of the pre-hearing procedure recording any facts which are not agreed, who will be present at the hearing and the witnesses to be called;
  - (iv) the key issues to be determined by the hearing;
  - (v) enclosing a copy of the adopted hearing procedure;

and he shall provide the Proper Officer with this report together with all relevant documents to be sent to the member, the complainant and members of the Committee/Sub-Committee together with an agenda for the meeting.

## ADMISSION OF PRESS AND PUBLIC TO STANDARDS COMMITTEE DETERMINATION HEARINGS

The Standards Board for England recommends that hearings should be held in public where possible to make sure that the hearing process is open and fair. However, there may be some circumstances where parts of the hearing should be held in private.

1. At the hearing, the Committee will consider whether or not the public should be excluded from any part of the hearing, in line with Part VA of the Local Government Act 1972 (as modified in relation to local determinations by Standards Committees). If the Committee considers that 'confidential information' is likely to be revealed during the hearing, the Committee must exclude the public by law. 'Confidential information' is defined for these purposes to mean information that has been provided by a Government department under the condition that it must not be revealed, and information that the law or a court order says cannot be revealed.
2. The Committee also has the discretion to exclude the public if it considers that 'exempt information' is likely to be revealed during the hearing. The categories of 'exempt information' are set out below. The Committee should act in line with Article 6 of the *European Convention on Human Rights*, which gives people the right to a fair trial and public hearing by an independent and unbiased tribunal. The Committee also has a duty to act fairly and in line with the rules of natural justice.
3. Article 6 says that the public may be excluded from all or part of the hearing if it is in the interests of:-
  - (a) Morals;
  - (b) public order;
  - (c) justice;
  - (d) natural security in a democratic society; or
  - (e) protecting young people under 18 and the private lives of anyone involved.
4. There should be a public hearing unless the Committee decides that there is a good reason, which falls within one of the five categories above (3a to e), for the public to be excluded.
5. The Committee must also act in line with Article 10 of the *European Convention on Human Rights*, which sets out the right for people to 'receive and impart information and ideas without interference by public authority'. Any restrictions on this right must be 'prescribed by law and.....necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary'.

6. Conflicting rights often have to be balanced against each other. The Committee must act in line with Article 8 of the *European Convention on Human Rights*. Article 8 says that everyone has the right to respect for their private and family life, home and correspondence. It says that no public authority (such as the Committee) may interfere with this right unless it is:-
- (a) in line with the law; and
  - (b) necessary in a democratic society in the interests of:
    - (i) national security;
    - (ii) public safety;
    - (iii) the economic well-being of the country;
    - (iv) preventing crime or disorder;
    - (v) protecting people's health and morals (which would include protecting standards of behaviour in public life); or
    - (vi) protecting people's rights and freedoms.

There is a clear public interest in promoting the probity (integrity and honesty) of public authorities and public confidence in them. For these reasons the hearing should be held in public unless the Committee decides that protecting the privacy of anyone involved is more important than the need for a public hearing.

7. In relation to people's rights under both Articles 8 and 10 of the *European Convention on Human Rights*, it should be remembered that any interference with or restriction of those rights must be 'necessary' and must meet 'a pressing social need', and any restriction on people's rights must be 'proportionate'.
8. The Standards Board for England recommends that a Standards Committee should move to a private room when considering its decisions. This will not conflict with the rights under the *European Convention on Human Rights* or the duty to act fairly.

**CATEGORIES OF EXEMPT INFORMATION UNDER SCHEDULE 12A OF  
THE LOCAL GOVERNMENT ACT 1972 (AS MODIFIED IN RELATION TO  
LOCAL DETERMINATIONS BY STANDARDS COMMITTEE)**

1. Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office-holder, former office-holder or applicant to become an office-holder under, the authority.
2. Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office-holder, former office-holder or applicant to become an office-holder appointed by:-
  - (a) a magistrates' court committee;
  - (b) a probation committee within the meaning of the Probation Service Act 1993; or
  - (c) a local probation board within the meaning of the Criminal Justice and Court Services Act 2000.
- 2A. Information relating to a particular chief officer, former chief officer or applicant to become a chief officer of a local probation board within the meaning of the Criminal Justice and Court Services Act 2000.
3. Information relating to any particular occupier or former occupier of, or applicant for, accommodation provided by or at the expense of the authority.
4. Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority.
5. Information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by the authority.
6. Information relating to the adoption, care, fostering or education of any particular child.
7. Information relating to the financial or business affairs of any particular person (other than the authority).
8. The amount of any expenditure proposed to be incurred by the authority under any particular contract for the acquisition of property or the supply of goods or services.
9. Any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services.
10. The identity of the authority (as well as of any other person, by virtue of paragraph 7 above) as the person offering any particular tender for a contract for the supply of goods or services.

11. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or office-holders under, the authority.
12. Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:-
  - (a) any legal proceedings by or against the authority; or
  - (b) the determination of any matter, affecting the authority;(whether in either case, proceedings have been commenced or are in contemplation).
13. Information which, if disclosed to the public, would reveal that the authority proposes:-
  - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - (b) to make an order or direction under any enactment.
14. Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
15. The identity of a protected informant.
16. Information relating to the personal circumstances of any person.
17. Information which is subject to any obligation of confidentiality.
18. Information which relates in any way to matters concerning national security.
19. The deliberations of a Standards Committee or a Sub-Committee of a Standards Committee established under the provisions of Part III of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of section 64(2) or 71(2) of the Local Government Act 2000.