

Appendix E

From: John Tidmarsh
Date: 30th January, 2008
To Mrs Vanessa Brown (Litigation Solicitor)
Copy: Kevin Dicks (Chief Executive)

Re: Standards Board – Referral of an Allegation for Local Investigation
Planning Committee 16th July, 2007.

I am now in receipt of your letter dated 25th January, post marked 29th January, which is just to hand

Enclosed please find my written comments regarding the matter.

In view of the delay I would welcome Ch. Executive's presence at any Meeting, and would further appreciate guidance as to how appropriately I could suggest that some form of penalty could be imposed for any breach of planning conditions, where enforcement is not an attractive alternative. My thoughts are, whilst acting as a deterrent, it could save considerable time and costs of going to Appeal, and where an Appeal is upheld, involves us in considerable costs.

I believe that I have acted honourably throughout this matter, and am saddened by the procedures invoked, and welcome your involvement.

Standards Board

Planning Meeting, Ref SBE 20011.07

Some 15 years ago, wishing to replace my front gates, I responded to a local advertisement. The result was that my wife and I were courteously received and enjoyed tea and cakes whilst the deal was completed.

I was extremely satisfied with the deal and its conclusion, which resulted in my declaration of friendship with Mr. Naved and his wife.

Some 10 years ago, we had a chance meeting at a garden centre, where we were both customers, and about the same time at a Conservative Party social event at the home of Cllr. Rita Taylor. Attended by Cllr. Tibby and myself, we both talked with Mr & Mrs Naved, and I was left with the impression that Cllr. Tibby knew them prior to that time.

I have had no further contact with Mr. Naved, and am unlikely to, unless it is purely a chance Meeting.

In the circumstances, and in an endeavour to conform to protocol, I declared a personal interest, due solely to this association which I believed then, and still do, to be correct. I believed Mr Naved was heavily involved in the application, and my personal interest was declared accordingly. It now appears that although involved he was not in fact the Applicant; it rather suggests that I had really no interest to declare!

My comments were not based on anything other than the impartial view of the application.

Having been on the site visit prior to the Meeting, I made my own assessment as to the breach of Planning conditions. During the debate I found the enforcement difficult to accept, and enquired whether in appropriate cases, it might be possible to levy a punitive fine (with compensation to any aggrieved party) as an alternative; I was grateful for the guidance given by David Hammond relating to this. I may have commented again on this as I believed that this would have been a more equitable alternative, finding the enforcement proposed to be somewhat draconian, which I suspected might well go to Appeal ... costly for all.

No-one has taken any steps to ask why I declared an interest; in English law usually an investigation takes place to see if there is any prima facie case to answer!

I am puzzled why my actions are being investigated, as I have endeavoured to reserve judgement until at the Planning Meeting. I regularly attend Stoke Prior Parish Council Meetings, carefully avoiding their Planning Meetings. However I find regularly at BDC Planning Meetings members of Parish Councils, and who are members of their Parish Council Planning Committee, when these matters have been discussed, make a declaration of personal interests which is accepted by the Chair: this contrasts strongly with my case.

The Standards Board logo carries a statement 'Confidence in local democracy'. The problem arose out of a planning Meeting on 16th July, 2007 ... some half a year ago! Perhaps if the Chairman had made enquiries the matter could have been dealt with more expeditiously.