

Meeting Notes

Reference: Local Investigation no. SBE20011.07

Date of meeting 15th February 2008

(At the Council House, Burcot Lane, Bromsgrove)

Attendees: Councillor John Tidmarsh and Vanessa Brown (Investigating Officer)

Purpose: to establish Councillor Tidmarsh's account of the allegations made.

Meeting notes recorded by Vanessa Brown

The following points were discussed:

Background Information

By way of background information Councillor Tidmarsh confirmed that he has been a councillor for in excess of 10 years. During that time he had attended many Council's meeting including Planning Committees Meetings. However, Councillor Tidmarsh confirmed that he had had a break of approximately two years from attending Planning Committee and that his attendance on the 16th July 2007 was during this break. He had only attended this meeting at the request of another Councillor who had been unable to attend and had requested that Councillor Tidmarsh substitute.

Planning Committee – Monday 16th July 2007

The Site Visit

As indicated above there had been a 2-year break in Councillor Tidmarsh's attendance upon the Planning Committees and the meeting on the 16th July 2007 was during that break.

Councillor Tidmarsh confirmed that he had been asked to substitute for Councillor David Hancock.

Councillor Tidmarsh recalls the site visit that took place in advance of the Planning Committee meeting and believes it was the Thursday prior to the meeting. Councillor Tidmarsh and the other Councillors attended the site at Cross Roads Garage Kidderminster Road, Woodcote Green. Councillor Tidmarsh recalls that the dispute concerning the site related to the height and "bulk" of the building.

Councillor Tidmarsh confirms that none of the parties involved in the application were on site.

The Declaration made in relation to the Planning Application

Councillor Tidmarsh is shown the agenda/minutes for the Planning Committee and confirms the two declarations made by him were, to the best of his knowledge and belief, accurate at the time they were made.

The application made in relation to the Cross Roads Garage application (B2007/0498) was looked at and Councillor Tidmarsh confirmed that he made a personal interest declaration because "the owner of the property the subject of the application was a friend of his". Councillor Tidmarsh confirms that the declaration made was accurately recorded and his belief at the time it was made was that it was entirely correct.

The reason Councillor Tidmarsh made the declaration was because of one business transaction he had many years ago with the owner of the company selling gates. He recalls that about 15 years ago he wished to replace the gates at the front of his property and having seen a local advert he made contact with the company and the purchased his gates. The business transaction stuck in his mind because of the courtesy afforded to him and his wife by the company owner. Councillor Tidmarsh was unable to recall the name of the company at that time.

Councillor Tidmarsh confirms that he then had a chance meeting with the owner of the gate company some years later at a garden center and at about the same time he saw the same gentleman at a Conservative Party social event. These events occurred approximately 10 years ago.

Since that time Councillor Tidmarsh confirms he has no business or social dealings with the owner of the company. In fact he has no contact with him at all.

It was some considerable time after the last meeting with the owner of the gate company, that Councillor Tidmarsh noticed that the gate business had moved to its present location next to the Cross Roads Garage, it is a road that he uses frequently and the business signage is prominent. Vanessa Brown was able to confirm that the owner had answered questions raised with him and he confirmed that the business moved to the location in May 1998. He also confirmed that he had sold a pair of gates and a pair of posts to Mr J Tidmarsh over 12 years ago.

Councillor Tidmarsh confirms that he made the declaration because he believed that both the Cross Roads Garage and the gate company were all one business. He therefore made the assumption that Mr Naveed who made the planning application in relation to the Cross-Roads Garage must have been the person who sold him the gates. Councillor Tidmarsh accepted that his assumption was wrong and he that the two businesses were not only different entities but also opposing sides of the planning application.

Discussions took place to ascertain who it was that Councillor Tidmarsh thought was the objector if he believed that the two neighbouring businesses were one company. Councillor Tidmarsh thought that it may have been the Café located at the same site but accepted that he had not given due consideration to the individual parties as he was looking at the overall picture and trying to find a common sense approach to resolving the difficulties to everyone's satisfaction.

Councillor Tidmarsh conceded that he had not had sufficient regard to the status of the individuals and, accepted that he had further overlooked this fact when the statements of the opposing sides were read out at the Planning Committee. In addition Councillor Tidmarsh accepted that he had failed to acknowledge that the agent for the objector had stated that he was acting on behalf of Mr. Narang who was the owner of Country Forge the neighbouring company selling gates. Councillor Tidmarsh stated that he had listened carefully to the content of the oral statements given, but who the individuals were had had no impact upon him. He had looked at the overall picture rather than the individual personalities.

Councillor Tidmarsh again reiterates that his mistake was entirely genuine and his intentions were always honourable.

Councillor Tidmarsh further accepted that he had been wrong to make the declaration in the terms that he did and he accepted that he had breached the Code of Conduct in failing to accurately declare his interest.

Personal or Prejudicial Interest

Consideration was given to the type of interest that should have been given. It was again confirmed that the second allegation made against Councillor Tidmarsh was that he should have made a prejudicial interest declaration rather than a personal interest one.

Councillor Tidmarsh does not accept that a prejudicial interest should have been declared having regard to the relationship between himself and Mr. Narang. In hindsight, Councillor Tidmarsh questions whether any interest should have been at all having regard to the length of time since he had contact with Mr. Narang.

Councillor Tidmarsh states that the last time any contact was made with Mr. Narang was at least 10 years ago and it may have even been before he became a Councillor. Further that he would not recognise Mr. Narang and did not do so at the Planning Committee meeting in July 2007.

In these circumstances Councillor Tidmarsh does not accept any breach of the Code of Conduct on this point.

Comments made during the Planning Committee Meeting 16th July 2007

Councillor Tidmarsh and Vanessa Brown go through the comments made during the discussions relating to Mr. Naveed's planning application. The transcript of the relevant part of the meeting are reiterated and Councillor Tidmarsh accepts that the comments made by him as transcribed are an accurate record.

The allegation is discussed and Councillor Tidmarsh explains what his intention was when making the suggestion and comments that he did.

Councillor Tidmarsh sought to find an amicable solution to what was clearly an emotive situation. He stated that he wanted a common sense approach to be taken and the matter resolved to the mutual satisfaction of all parties.

Councillor Tidmarsh, further felt that should the application be refused the matter would undoubtedly result in an appeal within which all parties incur considerable time and expense. He felt that the applicant would be likely to succeed at appeal as the planning breach would be classed as a "minor one". Thus if an alternative solution could be found then such a possibility should be explored. Specifically, Councillor Tidmarsh felt that a "round table" discussion might help the parties to understand each other's problems whereas an appeal results in "enemies".

Councillor Tidmarsh advises that there can be occasions when matters are not finalised at Planning Committee and they can delegate powers to the Head of Planning to deal with specific issues. Councillor Tidmarsh states that his intention in this case was to delegate powers to the Head of Planning for him to act as a negotiator/mediator to try and see if the parties could reach some common ground.

In suggesting compensation be paid Councillor Tidmarsh maintains that he was trying to find a solution to a problem and he most certainly does not accept that he was seeking to secure compensation for a "friend". Councillor Tidmarsh points out that it would not matter who received compensation as long as the matter reached an amicable conclusion. He felt that all parties would benefit from the suggested intervention of the Head of Planning including the Council as the costs of a Planning Inquiry may be avoided.

Councillor Tidmarsh say his suggestion as a way in which all parties, including the Council, could have matters resolved to a satisfactory conclusion.
Councillor Tidmarsh does not accept the alleged breach of the Code of Conduct and strongly refutes the suggestion that anyone could perceive his actions as improper.

I Councillor Tidmarsh confirm that I have read the above and agree its content and I have been given the opportunity to amend, delete and/or add any additional comments.

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Councillor Tidmarsh

Vanessa Brown (Investigating Officer)

Signed as an accurate record of discussions between Councillor Tidmarsh and Vanessa Brown on 15th February 2008.

[ORIGINAL DOCUMENT SIGNED BY COUNCILLOR
TIDMARSH AND VANESSA BROWN]