

Appendix 12

Dear Monitoring Officer,

In advance of our meeting next Friday 26th at 11am, I am submitting a more detailed response to the issues raised within your letter and our subsequent exchange of correspondence as an aide to our meeting.

I reject the allegations that I have breached the Haslemere Town Council's Code of Conduct ("**the Code**") and failed to declare a pecuniary or non-pecuniary interest in respect of the meeting of Haslemere Town Council ("**HTC**") on 28 November 2019 ("**the Meeting**").

I have acted both in the spirit and the letter of the Local Government Association guidelines which state that as a local councillor, residents will expect me to know and work with representatives of local organisations, interest groups and business, and to represent their views at council meetings.

I set out a number of matters below in response to the complaints which you are investigating.

A. Your handling of the complaints

1. At the outset, I wish to query your decision to grant anonymity to two of the complainants and to ask you to: (1) reconsider the decision to grant anonymity; and (2) to consider, if you have not already, whether the complaints are malicious, vexatious and trivial in nature, having regard to the matters below.

Decision to grant anonymity to two complainants

2. Waverley Borough Council's 'Arrangements for dealing with Standard Allegations against Councillors and Co-opted Members under the Localism Act 2011' ("**WBC's Procedure**") materially states in section 3:

"Please provide us with your name and a contact address or email address so that we can acknowledge receipt of your complaint and keep you informed of its progress. Requests not to disclose your name and address to the member against whom you make the complaint without your prior consent will only be agreed by the Monitoring Officer in exceptional circumstances. If the Monitoring Officer determines that your complaint is to be formally investigated, requests for your name and address to be kept confidential would only be considered for safeguarding reasons or if disclosure could reasonably be expected to prejudice the investigation. The Council does not normally investigate

anonymous complaints unless there is a clear public interest in doing so."

3. It is apparent from this that anonymity at the informal investigation stage may only be granted in exceptional circumstances. I ask that you reconsider whether there are such exceptional circumstances in this case and, if there are such circumstances, to explain the same to me.
4. Further, it is apparent that at the formal investigation stage, anonymity will only be granted for (1) safeguarding reasons or (2) if disclosure could reasonably be expected to prejudice the investigation. Please indicate if you have considered either of these factors in determining whether exceptional circumstances exist and whether you relied on either of these factors in granting anonymity. If you did rely on these factors, please explain the basis to me.
5. Mr Cox has made his allegations on a named basis, while the other two complainants have not. You have not explained why the complainants have been treated differently despite the complaint being the same. It is important for you to consider the fact that an anonymous complaint carries a different, more insidious impact on the target to which it is directed, in this case, me, and as such it seems intended to discombobulate, bully and undermine.

Whether the complaint is malicious, vexatious or trivial

6. WBC's Procedure materially states in section 4:

"The Monitoring Officer will review every complaint received and apply the following criteria make a decision as to whether it will be treated as a 'valid complaint' about a councillor. The following types of complaint will not be considered as 'valid complaints' under this procedure ...

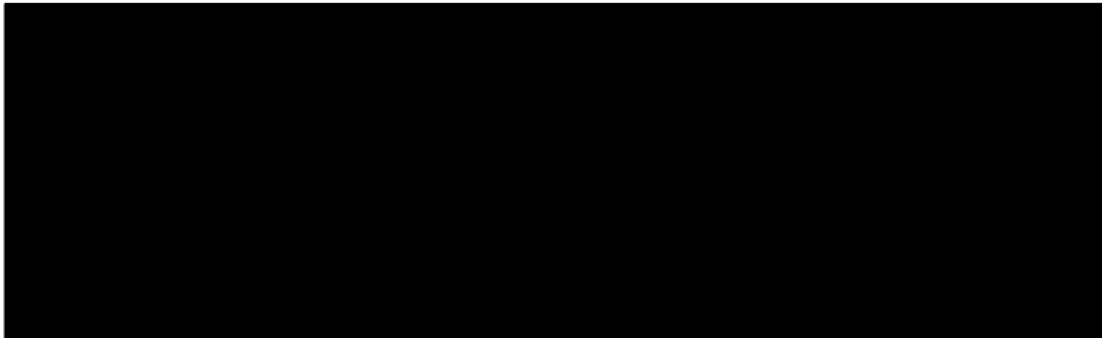
- i) *Complaints containing trivial allegations, or which appear to be simply vexatious, malicious, politically motivated or tit-for-tat..."*

7. I consider (my reasons are given below) that one or both of the anonymous complainants may be [REDACTED] and Mr Richard Benson. [REDACTED]
[REDACTED] As regards the latter, there are reasonable grounds to infer that he too has a vested interest, one closely aligned with that of Mr Cox. If neither persons are in fact the complainants, feel free to disregard the content of the following four paragraphs.

8.



9.



10. As to the possibility that the other complainant is Mr Richard Benson, I have a comment to make in relation to his behaviour and conduct. He approached myself and my partner at a public meeting organised by Haslemere South Residents Association ("HSRA"), prior to my becoming a parish councillor, introducing himself as someone who prior to his retirement had had a professional background in investigating and collecting what he described as "dirt" on people for a law chambers in London. He asked me whether I would like him to collect "dirt" on Brian Cox, I was dumbfounded, and in fact repelled. I found this unsolicited offer both unsettling and strange; I told him I was not interested. Subsequently I have learned Mr Benson is a close associate of Mr Cox, on behalf of whom he has taken people on promotional tours of the proposed development at Red Court.
11. Of course, should the anonymous complainants not be [REDACTED] or Mr Benson, the above comments will be irrelevant to your informal investigation.
12. I have never met or spoken to the third complainant, Mr Cox but I am aware, as Cllr Barton has told me, that Mr Cox offered her a bribe in the form of a very favourable land purchase adjacent to Red Court if she publicly supported the proposed 'Scotland Park' development. She declined the offer.

13. Mr Cox is closely associated with a property developer who, having purchased a large section of AONB land in the centre of Haslemere, presumably not for altruistic/conservation reasons, intends to submit a proposal for a major housing development. This land is an established habitat including ancient woodland for endangered red list wildlife species among them protected species such as the great crested newt, the hazel dormouse, bats, badgers, reptiles and breeding birds, and birds. Mr Cox and the developer he represents evidently either expect or hope that WBC will nonetheless see fit to grant planning permission to develop on this AONB, despite the robust protections intended for this category of land under the NPPF. It may be inferred that Mr Cox has a clear vested interest in the revision of the settlement boundary issue in HTC's draft Neighbourhood Plan ("**the NP**").
14. Mr Cox may well wish to damage or seek to have aspersions cast on HTC Councillors – one of them also a Surrey County Councillor – who have spoken out in favour of environment protection and enhancement of Haslemere's natural habitats.
15. In light of the above, I ask you to reconsider (or to consider if you have not already done so) whether the complaints are vexatious, malicious, politically motivated or tit for tat and thus not suitable to be treated as a valid complaint. Please inform me of the outcome of this (re)consideration.

B. Factual background

16. The following factual matters are relevant to my response to the complaints below.

Declaration of Interest statements

17. I attach: (1) a copy of my Declaration of Interest statement ("**DOIS**") in its current form; and (2) a copy of my DOIS in its original form.
18. You will note that my DOIS contains details of the property which I own in Scotland Lane. The specific address is included in my DOIS in its original form and this has been redacted for sensitivity by HTC's Town clerk in accordance with the Code (adopted May 2019).
19. To explain this: some months after completing my DOIS, and having not realised until then that the declarations were published online and that my private address would be visible online, I asked HTC's Clerk to remove my private address from the HTC website. This was not an intention to retract my

declaration of the fact that I owned a property in Haslemere, simply a matter of safeguarding my privacy because of my personal circumstances. I emailed the Town Clerk about this on 24 October 2019 and she said she would remove the address, which she then did.

20. You will also note that my DOIS records my relationship with Haslemere South Resident's Association ("**HSRA**").

The discussion of the neighbourhood plan

21. It is important to appreciate the nature of the discussion concerning the NP at the Meeting.

22. The NP fell to be considered under agenda item 9:

"Cllr Weldon has submitted 2 amended documents, (Neighbourhood Plan and Summary) for consideration by Full Council. Council to consider whether these amended documents will then be taken forward to the next stage of the Neighbourhood Plan process, that of public consultation."

23. It should be noted that the documents which were being considered at the Meeting were not documents dealing with Red Court on an individual or specific basis. Rather, they were versions of the NP which concern a much broader area. Similarly, the representations and matters for discussion were all addressing the NP as a whole, rather than Red Court individually or specifically.

24. This is reflected in the Minutes which materially record:

"105/19 REPRESENTATIONS BY EXTERNAL BODIES

Lesley Banfield - Chair of Haslemere Vision made the following statement:

Haslemere Vision recommends that the settlement boundary included in the Draft Neighbourhood Plan (Appendix 3 to the Full Council Meeting Agenda 28th November 2019) is approved. This is because this boundary reflects the boundary that Haslemere Vision included in earlier drafts of the Neighbourhood Plan. This boundary is created by the designated areas that surround the town (AONB, AGLV, Green Belt). The boundary defined in the March 2019 Neighbourhood Plan approved by Haslemere Town Council includes areas within AONB, AGLV and Green Belt, some of these relate to sites which Waverley Borough Council were proposing to allocate for housing in their Local Plan part

2. However, Waverley have not yet consulted on these sites and, with the passage of time, there is now uncertainty as to whether they will be allocated or not. To include AONB, AGLV and Green Belt within the settlement boundary would give a "green light" to developers.

Further, to proceed with the March 2019 Neighbourhood Plan may jeopardize the adoption of the plan as it may fail to gain 50% or more of the community vote at referendum. This would risk the immense contribution of the community in helping to shape future development in the town.

The draft Neighbourhood Plan may well be considered 'material evidence' in the interim before WBC prepare and adopt Local Plan part 2 and will have equivalent legal status to the Local Plan if it is adopted. The Neighbourhood Plan will, therefore, influence Haslemere Town Council's and Waverley Borough Council's decisions on any forthcoming planning applications in the locality. The views of the residents of Haslemere need to be clearly expressed in the Neighbourhood Plan and to Waverley Borough Council whilst it is considering Local Plan Part 2 ...

109/19 NEIGHBOURHOOD PLAN

Cllr Robini proposed that the amended Neighbourhood Plan document and Summary (Appendices 3 and 4) is adopted by the Council to go forward for public consultation. This proposal was seconded by Cllr Barton.

Cllr Dear counter-proposed that the original Neighbourhood Plan document that was passed by Council at its March meeting be put forward to public consultation. He stated that the amended document as circulated with the Agenda had not been widely enough consulted on and that organisations such as Chamber of Trade and Haslemere Society should have their say. This proposal was seconded by Cllr Odell.

There was a significant amount of discussion on the subject.

It was noted that there currently is no formal settlement boundary in Haslemere, in the document passed in March the settlement boundary set as per Waverley's draft LPP2 which lead to the encroachment of vital green spaces. It was hoped that the adoption of the amended version would help protect these green spaces. It was however stated that the original document already provided protection for AONB, AGLV etc.

In previous consultations, the public had been consulted on the informal settlement boundary, not the one in the March version of the Neighbourhood Plan. 65% of respondents did not wish to see development outside the current informal boundary.

Cllr Weldon commented that regardless of the issues with the Settlement Boundary, the original document was poorly worded and that his work had tidied it up.

It was stated that the original document took 6.5 years to create, and should be the one to go forward to public consultation, however it was also noted that Haslemere Vision were in favour of the new amended document.

There was discussion over whether the adoption of the amended document would cause further delay to the process and it was noted that whilst there is no Neighbourhood Plan it leaves town wide open for development and loss of CIL funding.

RESOLVED: That the amended plan at Appendix 3 to the Agenda be adopted and put forward for public consultation."

25. This was an almost unanimous vote, with I believe, one abstention. It was supported by a statement from Mayor John Robini and with a statement by the incoming Chair of Haslemere Vision, Mrs Lesley Banfield.

Advice from Daniel Bainbridge

26. As I outlined in my in reply to Mr Robin Taylor on 28 May, in advance of Meeting, I was asked by HTC's Clerk to consider whether: "I have a non-pecuniary conflict of interest in the matter regarding the Red Court site allocation (DS 15, formerly DS 18) in Waverley's draft Local Plan) in the light of clauses 6(4) and 6(5) of the Members' Code of Conduct."
27. This was a matter to which I gave particular thought and as part of this, I sought advice from Daniel Bainbridge, the Borough Solicitor and Deputy Monitoring Officer. I received this advice by telephone and email. I attach the email correspondence.

C. Response to the complaints

28. As set out above, I deny the complaint in its entirety.

29. I respond below to each of the bullet points in the complaint (as formulated in your email to me of 26 May 2019 which form the basis of the allegation that I failed to disclose a pecuniary and non-pecuniary interest in HTC's discussion of the NP document.

30. The complaint, as formulated by you, goes on to state:

"The complainants have each questioned your impartiality, and one complainant believes you may have unduly manipulated other councillors and groups to secure a change in the settlement boundary."

31. I deny this further allegation in its entirety. However, it is important to note that this further allegation is formulated in such broad terms, without reference to any specific conduct on my part, that it is impossible for me to understand the nature of the complaint or to provide a detailed response. This is procedurally unfair.

(1) Bullet point 1 – ownership of a property in Scotland Lane on land adjacent to Red Court

(2) Bullet point 2 – financial benefit from stopping any form of development at Red Court which could deter potential buyers of my property

32. It is convenient to deal with these two bullet points together as they are closely connected. I respond as follows.

33. First, it is clear that my ownership of a property in Scotland Lane is properly recorded in the DOIS.

34. Secondly, the complaint appears to be in error of fact on a number of grounds:

(a) My property is approximately 250 m from the entrance to Red Court.

(b) My property in Scotland Lane is not for sale and I do not intend to put it up for sale.

(c) I am not aware of any evidence that the development of Red Court will deter potential buyers of my property (even if it were to be for sale) or that I would otherwise incur financial loss if Red Court was developed. If you have evidence to this effect, please share it with me as this is a serious matter.

35. Thirdly, in advance of the Meeting I gave particular thought to whether I had an interest which would require me to withdraw from the discussion of the NP at the Meeting. This is clearly evidenced by my correspondence with Mr Bainbridge. I confirm that I reviewed the Code in advance of the Meeting and with the benefit of Mr Bainbridge's advice. On reviewing the Code and considering my ownership of a property in Scotland Lane, I concluded:
- (a) Having regard to paragraph 5(1) of the Code, I did not consider that my ownership of a property in Scotland Lane was a matter which could reasonably be seen as an interest which compromised my honesty or objectivity.
 - (b) Having regard to paragraph 6(3) of the Code, I did not consider that my ownership of a property in Scotland Lane was an interest in the NP which required me to withdraw. In this respect, it is important to note the actual nature of the discussion: see above at paragraphs 21 - 25. The discussion related the NMP as a whole, not Red Court individually or specifically. Importantly, contrary to the approach which the complaint appears to adopt, the Meeting was not an adjudication of the merits of the Red Court development and no application for planning permission in respect of Red Court was being considered by HTC. Moreover, it is trite that whilst the provisions of the NP would need to be considered in the determination of any application for planning permission in respect of Red Court (which would be for WBC not HTC in any event), the NP would not have the final say on whether planning permission would be granted.
 - (c) Having regard to paragraph 6(4) and (5) of the Code, I did not consider that my ownership of a property on Scotland Lane was a non-pecuniary interest of sufficient weight so as to undermine my ability to make an open-minded and objective decision, considering what an ordinary member of the public with knowledge of the relevant facts would think.
 - (d) I note that paragraph 6(3) is dealing with pecuniary interests and paragraphs 6(4) and (5) are dealing with non-pecuniary interests. However, I considered all of these provisions as a matter of caution.
36. Having considered Mr Bainbridge's advice and the Code as set out above, I was able to conclude that I could approach HTC's discussions and votes with an open mind and a willingness to weigh up evidence objectively and fairly. I remained fully amenable to persuasion, to hear various views and to vote accordingly on that basis.

37. Given this, I consider that I behaved entirely properly at the Meeting and that I complied with the Code fully. In particular, I do not consider there to be any basis on which it can be said that I failed to disclose a pecuniary or non-pecuniary interest.

(3) Bullet point 3 – my relationship with HSRA

38. First, the complainants allege correctly that I am a member of HSRA (a community association formed of some 270 households) but completely incorrectly that it was “founded in 2018 to oppose the inclusion of Red Court within the settlement boundary.”
39. In common with other residents’ associations, HSRA concerns itself with a variety of matters important to the local community. While the HSRA is concerned in particular to preserve the beautiful natural landscapes and habitats of South Haslemere, its concerns extend beyond this to general amenities and infrastructure as well as more recently providing support to residents during COVID-19.
40. The complainants seek to show that a causal nexus exists between HSRA and the settlement boundary. Such a causal nexus does not exist, not even tenuously. The HSRA is concerned about large-scale housing development proposed on local AONB/AGLV land at Red Court, and the risks that would pose to the local environment, with the loss of mature and native trees, woodland and grassy meadow habitat of many endangered red list species of wildlife and birds.
41. I am not, in any case, a proxy for HSRA, nor for any other HSRA’s member’s views. I am an Independent councillor and I have a mind of my own.
42. Secondly, my relationship with HSRA is also properly declared in the DOIS.
43. Thirdly, I confirm that I considered my relationship with HSRA in advance of the Meeting and by reference to paragraphs 6(4) and (5) of the Code in particular. This is evidenced by my correspondence with Mr Bainbridge. I confirm that having considered my relationship in light of the Code and Mr Bainbridge’s advice, I concluded that I did not have a non-pecuniary interest of sufficient weight such as to undermine my ability to make an open-minded and objective decision, having regard to what an ordinary member of the public, with the knowledge of the relevant facts, would think.
44. Fourthly, in respect of HSRA I note that there is an important distinction between a predisposition and predetermination (see also paragraph 8(3) of the

Code). I reject the notion that I had predetermined any matter in light of the Meeting.

45. Contrary to the complainants' allegation, it is perfectly possible for me to hold opinions, to listen and hear what issues are of pressing importance to my constituents and to represent those who voted for me, whilst also coming to each Council discussion and vote with an open mind that is not pre-determined or closed, and for me to be capable of making an objective decision on the basis of the facts being presented and evaluated.
46. Accordingly, I consider that I acted entirely in accordance with the Code in respect of my relationship with HRSA.

(4) Bullet point 4 – my “personal objection”

47. As formulated, the complaint on this point does not permit a full response because it is impossible for me to know what the “personal objection” referred to is (or was) . This is another example of procedural unfairness. Given this, it is only possible for me to note the following points.
48. Again, the complaints appear to be made on the basis that the Meeting was considering an application for development of Red Court or the development of Red Court specifically. This was not the case and I refer you to paragraphs 21 - 25, above.
49. With respect to Haslemere's settlement boundary, as one would expect in a small town, I live close to the boundary as I would also expect do a number of, if not most of the town's Councillors. The fact that I live proximate to any particular or specific proposed development site allocation (whether inside or outside the settlement boundary) is therefore something common to multiple Councillors and not something which is peculiar to me.
50. I have always advocated for the preservation of Haslemere's protected landscapes, its habitats for endangered wildlife and birds, its mature woodlands and meadows – vital landscapes which once eradicated or tarmacked over, would represent a major loss to local ecology and biodiversity. I am not against development, quite the opposite. Indeed, as part of the learning curve of becoming a parish councillor I have become very interested in planning and development. I believe that housing developments and other 'build back better' projects, if, with the right architectural planning and engineering standards (energy efficient, zero carbon) can increase the well-being of our communities – as long as they don't come at the cost of destroying the biodiversity and green spaces that improve the well-being of our communities, and follow the

mandates to protect and conserve precious greenbelt, woodlands, meadows and habitats set out by the NPPF. Further, I understand that designated landscapes may, under exceptional circumstances be required to be allocated for development. As an advocate for Haslemere's landscapes, my request is simply that such landscapes are not unduly or disproportionately targeted for development ahead of brownfield, and that policies are written to provide the robust assurances recommended by the NPPF.

51. Last year, WBC declared a Climate Change Emergency and published a subsequent Action Plan, and HTC declared a Climate Change and Biodiversity Emergency and set up a corresponding working party, of which I am a member.
52. It is a scientific fact that that climate change and biodiversity are indivisible. Given the recent 2020 'State of Nature' report that the UK is "among the most nature-depleted countries in the world", preserving and protecting such habitats must surely be of concern to both councils as well as nationally. State of Nature found that in the UK, a quarter of mammals and nearly half of birds assessed are at risk of extinction.
53. As a Councillor I believe it is important that council declarations are followed by matching action, as councils seek to align their actions and recommendations with their pledges to prioritise zero carbon, carbon offset, protection of habitats and biodiversity. One of the important factors in the depletion of biodiversity is destruction of habitats for housing. As a member of the working party on the Neighbourhood Plan, I am familiar with and recognise the vital need for housing in Haslemere, especially more affordable housing. Given the shift occurring in both local and borough councils and the declaration of Climate Emergency, it was important in reviewing the Neighbourhood Plan that it align with the Council's newly stated objectives.
54. I welcome development and support the NPPF guidelines and the recent Glover report recommendations on AONBs which urge councils to use brownfield and viable sites of lesser ecological and biodiversity value over Areas of Outstanding Natural Beauty (AONB), and to encourage town planning that seeks to limit habitat loss, that does not fell mature native woodlands and tarmac grassy, wild-flower meadows.
55. In sum, these may be considered my general views. But, to reiterate, I turn up to Council meetings with an open mind, not irrevocably or irretrievably committed or pre-determined to one outcome or another. As a Councillor, I am not only concerned and interested in the environment, but in town planning, better architecture, good sustainable building practises and more affordable housing. I am keen to see local business flourish, to encourage the sustainable

business ethos and eco-literacy in schools, and to encourage the transition into making our town centre more cycling and pedestrian-friendly.

Appendix 13

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6

Complaints against Councillor Kirsten Ellis, Haslemere Town Council

Inbox

Steve Williams <Steve.Williams@waverley.gov.uk>

19 Aug 2020,
19:36

to Robin, me, Paul

Dear Robin

Councillor Kirsten Ellis of Haslemere Town Council has shared with me the additional information recently provided by you relating to the accusation that she contravened the Members' Code of Contact during Haslemere Town Council's consideration of the Neighbourhood Plan. I am puzzled as to why this was information not provided to her in advance of the informal hearing which I attended as an observer, as my understanding is that a fair and impartial process of responding to accusations involves the accused being made aware of the nature of the allegations or complaints being made and the relevant context. Moreover, neither in advance of the hearing nor during the hearing was there any real clarification of what pecuniary or non-pecuniary interest Councillor Ellis is alleged to have failed to have declared, although it has emerged that the particular issue that irked the complainants was the exclusion of the Red Court Farm site from the Haslemere Settlement Boundary (and the proposed inclusion of this site within the settlement boundary was one that clearly evoked very strong local concerns). I have noted that the only named complainant represented the potential developer of the site who would certainly be considered to have a very significant pecuniary interest in the location of the Settlement Boundary.

Notwithstanding the shortcomings in procedure where the evidence against the accused is not presented in advance of the case being heard, I felt that Councillor Ellis's account of her conduct in relation to the debate on the Neighbourhood Plan at Haslemere Town Council demonstrated her exemplary behaviour in all respects. In the light of this, I am surprised that the case has not subsequently been dismissed.

You will understand that I have throughout this process looked closely at the Members' Code of Conduct for Haslemere Town Council and the section in the Waverley Borough Council Constitution that deals with arrangements for dealing with standards allegations against councillors. In the light of this, I am concerned that, procedures appear not to have been followed correctly in this instance. In Section 5.3 (4. "Will your complaint be investigated?"), it clearly states that certain types of complaint will not be considered as 'valid complaints' under this procedure. This includes:

- a) Complaints which are submitted anonymously, unless there is a clear public interest in doing so;
- and
- i) Complaints containing trivial allegations, or which appear to be simply

vexatious, malicious, politically motivated or tit-for-tat.

In relation to (a), I have to assume that the two anonymous complainants have not raised issues beyond any of the issues I have seen in the documentation provided, and in this documentation I cannot see any clear public interest in singling out Councillor Ellis (or, for that matter Councillor Barton) in relation to their conduct in the debate on the Haslemere Neighbourhood Plan.

In relation to (i), the one complainant, who chose not to seek anonymity represented the property developer with a significant pecuniary interest in the location of the Haslemere Settlement Boundary and could not therefore be seen as impartial suggesting possible evidence for considering his complaint to be vexatious and politically motivated. I am incredulous that the complaint of the property developer seeking to develop the Red Court site continues to be accorded credence in relation to complaints against specific Haslemere Town Councillors who voted to exclude the Red Court site from the Settlement Boundary, when there has been significant outrage amongst so many Haslemere residents to the possible development of this site.

As you may know, there have been several concerns expressed about the failure of Waverley Borough Council to release the external landscape architect's report on the Red Court site and the failure of Waverley Borough Council to issue a blanket TPO for the whole site in the light of concerns by Haslemere residents. Indeed, as I have outlined, the proposal to develop this particular site has been the subject of considerable local controversy and the strength of local feeling led to an overwhelming decision by Haslemere Town Council to exclude the Red Court site from within the Settlement Boundary - a decision taken by a group of councillors who are residents of Haslemere concerned about the local environment (and could be no more deemed to have an interest in the site than Councillors Barton and Ellis).

I would be grateful if you could provide me with the full rationale for pursuing this case in the light of the above. In addition, should you decide to go to a formal hearing, I should be grateful if you could inform me as to the choice of independent assessor in this instance and how you can be assured of their impartiality.

I note also that the procedures require that:

"If the Monitoring Officer determines that your complaint is to be formally investigated, requests for your name and address to be kept confidential would only be considered for safeguarding reasons or if disclosure could reasonably be expected to prejudice the investigation."

I would therefore expect that if the investigation does proceed to the formal stage, the identity of the two anonymous complainants will be revealed, as there is no evidence that there are safeguarding reasons for their continued anonymity nor are there reasons for believing that disclosure could reasonably be expected to prejudice the investigation.

I look forward to hearing from you. I am copying in my colleague, Paul Follows, as the relevant portfolio holder, for information.

Best wishes

Steve

Steve Williams
Councillor for Charterhouse Ward
Portfolio Holder for Environment & Sustainability

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Please visit our website at <http://www.waverley.gov.uk>

Robin Taylor <Robin.Taylor@waverley.gov.uk>

21 Aug 2020,
16:59

to Steve, me

Dear Cllr Williams (and Cllr Ellis)

Apologies for asking but can I confirm that you are writing on behalf of Cllr Ellis. I assume that is the case but it is not clear from your email and I need to respect the fact that Cllr Ellis is the subject member of this complaint and your role is as her advocate/companion. In addition, I am not clear why Cllr Follows was copied in. Standards is not an Executive matter and I am not aware that Cllr Follows has a role in this matter which is about alleged misconduct of a town councillor.

Please do let me know and I will come back to you with a fuller response.

Regards
Robin

Appendix 14

Complaint correspondence from Mr Brian Cox

Mr Robin Taylor
Head of Policy and Governance (Monitoring Officer)
Waverley Borough Council
The Bury
Godalming GU7 1HR

Our ref: CP011/5357/0170/427883.00009

Your ref:

12 March 2020

By post and email: robin.taylor@waverley.gov.uk; monitoringofficer@waverley.gov.uk

Dear Mr Taylor

Consultation Draft Neighbourhood Plan - Haslemere Parish Council

We act for Redwood (South West) Limited which is the owner of Red Court Estate, Scotland Lane, Haslemere. We write on behalf of our clients to lodge a formal complaint against two Councillors of Haslemere Town Council, namely Councillor [REDACTED] and Councillor Kirsten Ellis, for breach of the Haslemere Town Council Members' Code of Conduct and of the terms of Section 34 of the Localism Act 2011.

It has been drawn to our attention that these Councillors have failed to fully disclose pecuniary and non-pecuniary interests. Both [REDACTED] and Cllr Ellis are founder members of the Haslemere South Residents Association (HSRA). However, in the Declaration of Pecuniary and Other Interests forms available on Haslemere Town Council's website, as required by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, [REDACTED] omitted mentioning any connection to the HSRA and Cllr Ellis only mentioned that she had "been asked to advise and observe HSRA", implying a lesser involvement than the one that she has had as a founder member.

The HSRA has been active since June 2018 and has operated as the main vehicle for opposition to the potential redevelopment at the Red Court Estate and, in particular, the inclusion of part of the Red Court Estate within the settlement boundary in Waverley Borough Council's Local Plan Part 2 (LPP2) and the draft Haslemere Neighbourhood Plan (the Plan).

In addition to being a member of HSRA, Cllr Ellis is also a member of the South Downs Close Residents Association (SCRA), which is promoting opposition to development of the Red Court Estate. Cllr Ellis does not declare her membership of SCRA on Haslemere Town Council's Declaration of Pecuniary and Other Interests form, nor is she recorded as having declared membership of SCRA in any Council minutes of which we have had sight.

Both of the aforementioned Councillors submitted personal objections in their capacity as local residents to Waverley Borough Council's Regulation 18 LPP2 public consultation in Summer 2018. This confirms clear personal prejudicial interests which should have informed their later conduct within the Town Council and the progression of the Plan.

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From: [REDACTED]
Sent: Friday 20 March 2020 22:03
To: Robin Taylor <Robin.Taylor@waverley.gov.uk>
Subject: Complaint against Cllr Ellis Haslemere Town Council

[This email originates from an external source **]

Dear Robin

I hope you and your family are safe and well.

In reference to the complaint made to you on our behalf by our Neil Baker, Planning Partner, Clarke Willmott (Bristol) about Cllr Ellis and [REDACTED], I am sending you the document below in reference to Cllr Ellis' claim to limiting her involvement with HSRA 'to advise and observe'

Cllr Ellis is indisputably a member, and sits on the Committee of HSRA.

Please see HSRA list of members below, with Cllr Ellis' name highlighted.

Kind regards

Brian Cox

From: [REDACTED]
Subject: HSRA Election of Officers & Committee

[View this email in your browser](#)

HSRA Election of Officers & Committee

Dear HSRA Members

This email gives you formal Notice of a Special Meeting of Haslemere South Residents Association to be held at 7.00pm on Sunday 2nd December 2018 to elect officers and committee

members until 30 November 2019, we will confirm the venue later.

In order to make things simpler, you can register your vote below and the results of the online voting will flow through to the formal votes cast at the meeting where only 10 members need to be present.

- These members have kindly offered themselves to stand for the following positions:

- o Chair - *Jeremy Barton*
- o General Secretary- *Howard Brown*
- o Treasurer- *Sarah van den Broek*
- o Committee Member - *Sarah Claridge*
- o Committee Member- *Kirsten Ellis*
- o Committee Member- *Andrea Simonsson*
- o Committee Member- *Robert Thomson*
- o Committee Member- *Chris Wright*

- Please register your votes:

I approve the proposed committee Yes Abstain No

- The members who attend the meeting on Sunday 2nd December (with a minimum of 10 members) will formally elect the officers and committee members as informed by the results of your electronic votes.

Best Regards

HSRA Interim team

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You signed up to be informed at the start of the campaign "Save Scotland Lane"

Our mailing address is:

Haslemere South RA

Scotland Lane

HASLEMERE, Surrey GU27

United Kingdom

[Add us to your address book](#)

Want to change how you receive these emails?

You can [update your preferences](#) or [unsubscribe from this list](#).

Sue Petzold

From: Kimberly Soane
Sent: Wednesday 20 May 2020 12:59
To: Monitoring Officer; Robin Taylor; Sue Petzold; Daniel Bainbridge
Subject: FW: : Monitoring officer meetings [CW-Legal.FID4106147] CLLRS ELLIS [REDACTED], Haslemere.
Attachments: OBSCENE CARD.pdf

FYI

Kimberly Soane
Democratic Services Officer
Tel: 01483 523258
www.waverley.gov.uk/committees

If I am not available and you need assistance before my return please contact Fiona Cameron on 01483523226 or Fiona.Cameron@Waverley.gov.uk.

From: [REDACTED]
Sent: Wednesday 20 May 2020 12:54
To: Kimberly Soane <Kimberly.Soane@waverley.gov.uk>
Subject: : Monitoring officer meetings [CW-Legal.FID4106147] CLLRS ELLIS [REDACTED], Haslemere.

[** This email originates from an external source **]

Dear Kimberley

Thank you for getting in touch. Please use me as the point of contact for this matter from now on.

You can contact at 9.45m tomorrow on [REDACTED]

I am afraid, however, that I am implacable on the matter of Cllr Ellis and [REDACTED] conduct.

My view is that they should be summarily dismissed and fined the maximum financial penalty for their malfeasance, as I see it.

Both these councillors should be barred from public office.

In my opinion their conduct has been disgraceful and could bring the whole of HTC in to disrepute, not to say raise questions about corruption in local government.

Our view is that the Haslemere Neighbourhood Plan in its current draft can not be accepted, due to the influence and clear lack of impartiality of these two councillors who were pivotal in redrawing the settlement boundary to exclude DS15 (previously DS18) on the 28th Nov. 2019. There are clear conflicts of interests, which should have been declared and which were not and this presents a serious breach.

[REDACTED]

There are a number of additional potentially serious matters to be investigated and questions to be answered, which you will pick up from my email below.

Regards

Brian Cox

[REDACTED]

Complaint correspondence from Complainant no 2

[REDACTED]

[REDACTED]

Robin Taylor, Head of Policy and Governance (Monitoring Officer)
Waverley Borough Council,
The Burys, Godalming
Surrey GU7 1HR
cc: Mr.Bainbridge

3rd June 2020

Dear Mr. Taylor,

Re : Allegations against Cllrs Barton and Ellis concerning Local Government Corruption within Haslemere Town Council.

Supporting documents that you already have but for ease of reference I have attached these to this email:

1. My letter to Mayor Robini of 28th Feb 2020 forwarded to you same day by the HTC Town Clerk, requesting that the HTC suspend the Official Public Pre-submission Consultation of the Neighbourhood Plan due to commence on Monday 2nd March 2020. (att. A)
2. The map showing Cllrs [REDACTED] & Ellis' pecuniary interest (their homes) in Scotland lane on land adjacent to Red Court DS15 and the change to the Settlement Boundary (att B).
3. My letter to you of 23rd March : i) my request and reasons not to disclose my identity. ii) 2 pages of facts and information concerning Cllrs [REDACTED] & Ellis' failure to disclose their pecuniary and non-pecuniary interests (att. C)
4. [REDACTED]
[REDACTED]
[REDACTED]

General points:

- a) Setting aside the legal semantics of Mr. Bainbridge's judgment ' *they do not appear to hold beneficial interests in the land in question* ', It is hard to argue that any reasonable member of the public would think it right that two councillors working in unison should be able to participate in a decision which so clearly affects them and their property.
- b) The Nolan Principles clearly required Cllr [REDACTED] & Ellis to declare their Pecuniary and Other interests at meetings relating to Red Court.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Cllr Ellis :

- 1) failed to register her FULL involvement with the HSRA (founder member).
- 2) failed to register her membership of the SCRA (Scotlands Close Residents Association).
- 3) failed to register her appointment by the Council to the Neighbourhood Plan Working Party (HTC 16th May 2019 Item 52/19).

Relevant Meetings where Cllr [REDACTED] and Ellis failed to disclose their Pecuniary and Other interests.

- 1) Haslemere Vision - Steering group meeting held at Haslemere Town Hall on Wednesday 27th November 2019 (att. D).
- 2) HTC 28th November 2019 item 109/19 Neighbourhood Plan. [REDACTED]
- 3) HTC 23rd January 2020 item 13/20 Neighbourhood Plan.

Since June 2018 Cllrs [REDACTED] & Ellis have worked in tandem.

- Both were founder members HSRA.
- Both filed objections to DS18 (Red Court) Site Allocation LPP2 consultation : Barton 9th July, Ellis 12th July 2018.
- Both were 'sponsored' by the HSRA using the HSRA website and HSRA social media accounts as platforms for their campaign in the May 2019 Local Elections campaign.
- Both were on the HTC Neighbourhood Plan working party (May 2019-Dec 2019).
- Both failed to disclose their Pecuniary and Other interests at meetings where Red Court was an agenda item.

In conclusion and in my opinion, there have been multiple serious and flagrant breaches of the HTC Code of Conduct and of the Nolan Principles: Integrity, objectivity, accountability, openness, honesty & leadership. My greatest concern is that your process will just whitewash over this whole sorry saga. It will then be up to the freedom of the press to shine a spot light on the activities of Cllrs [REDACTED] Ellis [REDACTED] the HSRA and the SCRA.

With regards

[REDACTED]

[REDACTED]

Cllr John Robini, Mayor,
Haslemere Town Council
Haslemere Town Hall
High Street
Haslemere
GU27 2HG

URGENT

Email: john.robini@haslemeretc.org

Copy : Cllr David Round, Chairman Finance Audit and Governance: david.round@haslemeretc.org

Copy : Lisa O'Sullivan, Town Clerk, town.clerk@haslemeretc.org

February 28th, 2020.

Dear Cllr Robini,

I am writing to make a formal request that the Town Council suspend the Official Public Pre-submission Consultation of the Neighbourhood Plan which is due to commence on Monday 2nd March 2020.

The reason why I believe that the consultation should be suspended is quite simple: The vote to adopt the resolution put before Haslemere Town Council on the 28th November 2019, is evidently invalid and effectively null and void (point 4 below) :

- 1) At the Haslemere Town Council meeting, Thursday 28th November 2019 it was resolved 'to adopt the amended Neighbourhood Plan document and Summary (Appendices 3 and 4) and put forward to the next stage of process; the public consultation'. [109/19 Neighbourhood Plan].
- 2) Before the amended Neighbourhood Plan was adopted the proposed development at Red Court Scotland Lane DS15 was **WITHIN** the proposed Settlement boundary. (Item 23/19 Haslemere Town Council Meeting 21st March 2019).
- 3) After the amended Neighbourhood Plan was adopted the proposed development at Red Court Scotland Lane DS15 was **OUTSIDE** the proposed Settlement boundary.
- 4) At the crucial meeting on Thursday 28th November 2019, two councillors (Cllr [REDACTED] & Cllr Ellis), who attended the meeting and voted for the resolution, failed to disclose that they both had pecuniary interests and non-pecuniary interests in supporting the resolution. The Minutes do not record that Cllr [REDACTED] and Cllr Ellis had received a dispensation to attend, participate, and vote at the meeting.

- a. They both own properties in Scotland lane on land adjacent to Red Court DS15. (see attached map)
- b. They both could benefit financially from stopping any form of housing development at Red Court DS15 - several years of development could deter some house buyers of their properties etc.
- c. They both were founder members of the Haslemere South Residents Association (HSRA), a body whose principal purposes include the influence of public opinion or policy. The HSRA was formed in June 2018 to vigorously oppose the inclusion of land south of Scotland Lane (DS15 Red Court) in the final version of Waverley's LPP2.
- d. As residents, they have both vigorously objected to the proposed development at Red Court DS15. (Comments on Waverley LPP2 site allocations Barton on 9th July 2018 and Ellis on 12th July 2018).

Since June 2018 the HSRA have been very active in their campaigning and in my view have disseminated damaging misinformation and disinformation through their website and social media accounts, the Haslemere Herald and so on. Some of the comments about the Red Court developers clearly seek to damage their reputations in the local community. Some comments have been held amount 'malicious intent' and are actionable.

The failure of [redacted] and Cllr Ellis to disclose their pecuniary and non-pecuniary interests, in my view, amounts to a flagrant breach of Haslemere Town Council's Code of Conduct.

It is of concern, too, that if [redacted] and Cllr Ellis had put their own self interests above the interests of the wider community, they may have unduly manipulated other councillors and groups to secure the change of settlement boundary outcome at the HTC meeting on 28th November. Certainly the impartiality of [redacted] and Cllr Ellis needs to be questioned.

More seriously, the Haslemere Neighbourhood Plan would be at risk of being struck out by the Secretary of State Inspector if a legal challenge to its soundness is successfully made by third parties. There is probably no need to spell it out, but this would be a disaster, with vast resources in terms of costs and time - 6 to 7 years of work, much of it by volunteers, going to waste, leaving the town still without an adopted Neighbourhood Plan, thereby missing out on the higher 25% CIL contribution directly into the community.

After your own investigation I assume you will follow the Code of Conduct :

1. (7) : A failure of a Member to comply with this Code of Conduct will be reported to the Waverley Borough Council Monitoring Officer for investigation.

1 (8) : Failure to take appropriate action in respect of a Disclosable Pecuniary Interest may also result in a criminal conviction and a fine of up to £5,000 and/or disqualification from office for a period of up to five years.

In closing, I repeat my formal request that the Town Council suspend the Official Public Pre-submission Consultation of the Neighbourhood Plan which is due to commence on Monday 2nd March 2020.

I fully realise that this will delay matters but transparency and trust are essential elements for an effective and functioning democracy. As is often said ' trust arrives on foot and leaves on horseback'.

Yours sincerely

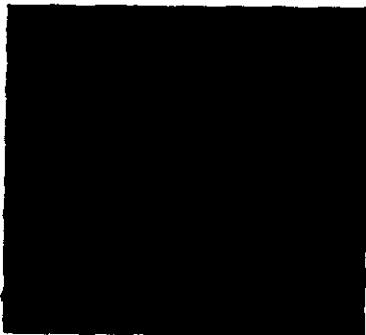
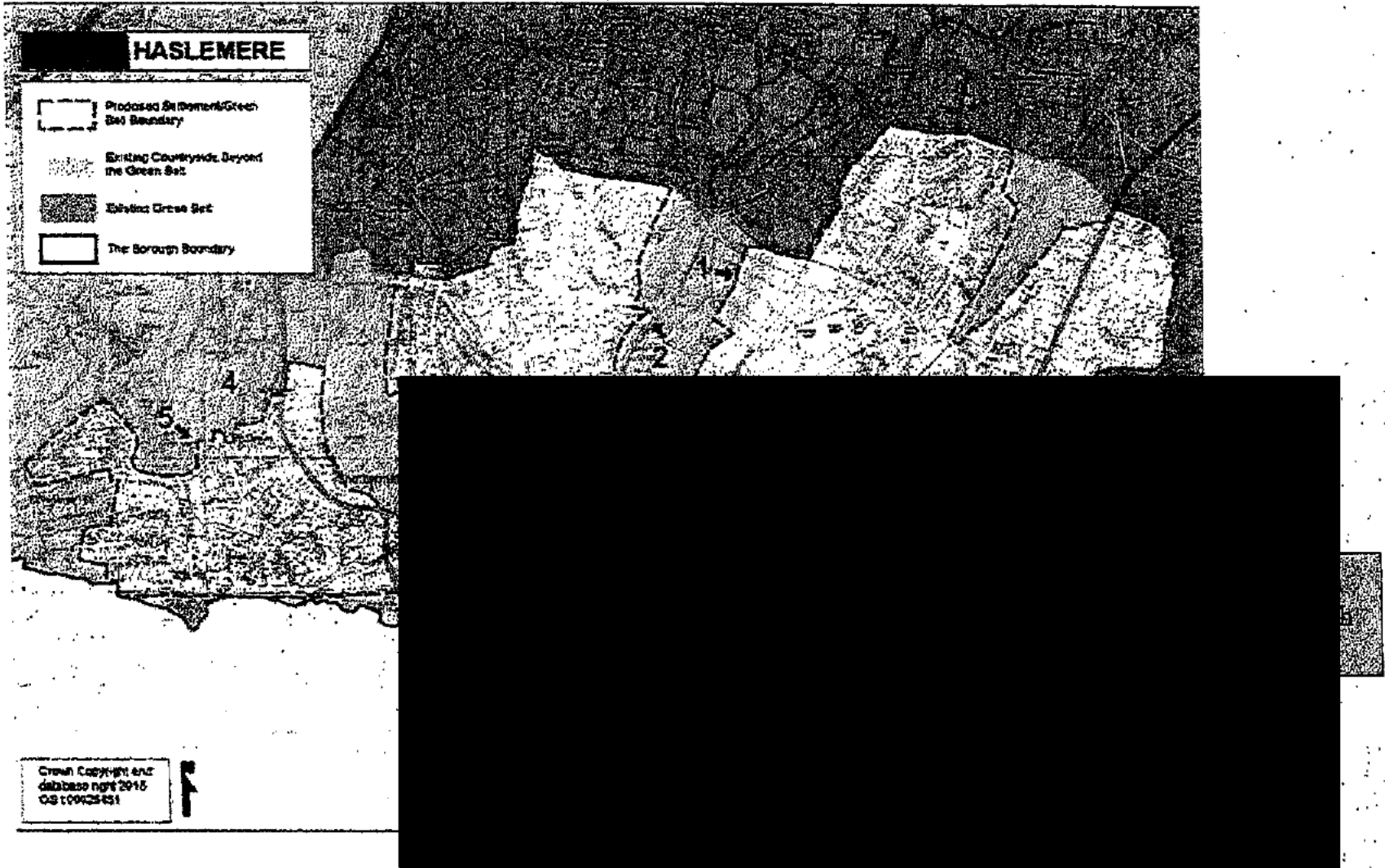


Figure 1a Haslemere Settlement Boundary – Settlement Boundary is defined by the built up area shaded white, this is bordered by the Green Belt and Countryside Beyond the Green Belt land. (The boundary labelled "Proposed Settlement/Green Belt Boundary" is consistent with the boundary which was proposed in the Waverley Borough Council for Local Plan Part 2 consultation in July 2018. The numbers identify areas that Waverley were suggesting could be included in the settlement boundary for Local Plan Part 2)



[REDACTED]

Robin Taylor, Head of Policy and Governance (Monitoring Officer)
Waverley Borough Council,
The Burys
Godalming
Surrey GU7 1HR

23rd March 2020

Dear Mr. Taylor

Following my email of the 9th March, I am now in a position to respond to your questions :

- 1) *'either that you consent for me to disclose your identity or why you feel there is a case for the Monitoring Officer to not do so'.*

I do not consent for my identity to be disclosed to Cllrs [REDACTED] and Ellis.

'My case for the Monitoring Officer to not do so'.

- 2) *'my thoughts as to what you would like to see happen as a result of your complaint'.*

Following my complaint letter with reference to the failure of Cllrs [REDACTED] and Ellis to disclose their pecuniary and non pecuniary interests at the crucial meeting (HTC) on Thursday 28th November 2019, I would like to see the Monitoring Officer carry out a thorough investigation in accordance with the document you kindly sent me (*Arrangements for dealing with Standards Allegations against Councillors and co-opted Members under the Localism Act 2011*).

- 3) *'and in particular whether you can suggest any ways in which it could be satisfactorily resolved on an informal basis'.*

I would suggest a way in which it could be satisfactorily resolved on an informal basis would be :

- a) for Cllrs [REDACTED] and Ellis to voluntarily resign as Haslemere Town Councillors

- b) for Cllrs [REDACTED] and Ellis to agree not seek re-election as Haslemere Town Councillors or seek election as Waverley Borough Councillors' for a period of five years.
- c) for Cllrs [REDACTED] and Ellis to sign a binding agreement that they will not campaign or seek to influence Waverley Borough Councillors' and Haslemere Town Councillors' with respect to the current draft Neighbourhood Plan and until the final Neighbourhood Plan is adopted

To recap :

Pecuniary Interest

- Cllrs [REDACTED] and Ellis both own properties in Scotland lane on land adjacent to Red Court DS15.
- [REDACTED]
- Cllrs [REDACTED] and Ellis could benefit financially from stopping any form of housing development at Red Court DS15 :
- [REDACTED]
- The HSRA's own constitution, [REDACTED] adopted in early December 2018, includes a paragraph on Declaration of Interest : 'For the purposes of this provision, a general diminution in property value shall not be deemed to be a direct or indirect financial interest'. *(This allows all Members of the Executive Committee and other invitees to attend and vote at meetings as all have a pecuniary interest in stopping all development at Red Court DS15).*

Non- pecuniary interest

- The Residents Association was formed in June 2018 and became very active from then on. In early December 2018 the Residents Association was formally

constituted and was named the Haslemere South Residents Association. Five of the seven members of the HSRA Executive Committee share a boundary with the Red Court Estate.

- The HSRA's initial agenda was to vigorously oppose the inclusion of land south of Scotland Lane (DS15 Red Court) into the final version of Waverley's LPP2.
- As mentioned in my letter of February 27th, 2020 both Cllrs [REDACTED] and Ellis were founder members of the HSRA, a body whose principal purposes include the influence of public opinion or policy.

I note that in *R v Spencer Flower 2015* Section 31(4) of the LA 2011 imposed a positive duty on Flower not to participate and vote. Although there was no evidence before the court that the defendant member's participation in the meeting resulted in any direct benefit to him, the provisions of the LA 2011 made it clear that he should not have taken part or voted at that meeting. And that Section 34 of the LA 2011 creates a criminal offence where a member fails, without reasonable excuse to comply with the requirements to declare discloseable pecuniary interests or takes part in council business at meetings.

In closing and in my opinion, if flagrant breaches of the Code of Conduct are brushed under the carpet then it's just a small step into the arena of Local Government Corruption where mutual self interest of elected representatives take precedence over the best interests of the Haslemere residents. As I wrote in my letter to Mayor Robini : 'transparency and trust are essential elements for an effective and functioning democracy. As is often said, trust arrives on foot and leaves on horseback'.

With best regards



Sue Petzold

From: Robin Taylor
Sent: Friday 29 May 2020 14:17
To: MonitoringOfficer; Sue Petzold
Subject: FW: Friday 29th May : Complaint against Cllrs [REDACTED] & Ellis
Attachments: HTC 2018-06-21_signed_mins.pdf; HTC 12th_july_2018_final-1.pdf

From: [REDACTED]
Sent: Friday 29 May 2020 13:51
To: Robin Taylor <Robin.Taylor@waverley.gov.uk>; Daniel Bainbridge <Daniel.Bainbridge@waverley.gov.uk>
Subject: Friday 29th May : Complaint against Cllrs [REDACTED] & Ellis

[** This email originates from an external source **]

Dear Mr. Taylor,

Thank you for your email of 26th May [REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Comments :

The only significant changes after the local elections were :

- o Cllr [REDACTED] and Ellis did not disclose their DPI's and Other Interests at HTC meetings with respect to relevant agenda items.

- o the alliance between the Independent, LibDems and Green members gave them a majority over the Conservatives of 11 to 7.
- o prior to the local elections, the Conservative administration were sticklers for complying with the Nolan Principles.
- o After the May 2019 elections I expect that significant pressure from Cllr [REDACTED] on the new LibDem Mayor (with no previous experience as a Councillor) led him to change his view on what constituted DPI's and Disclosure of Other Interests.

As I have mentioned before, the fundamental issue at stake is the transparent functioning of local government and the protection of core democratic principles and values.

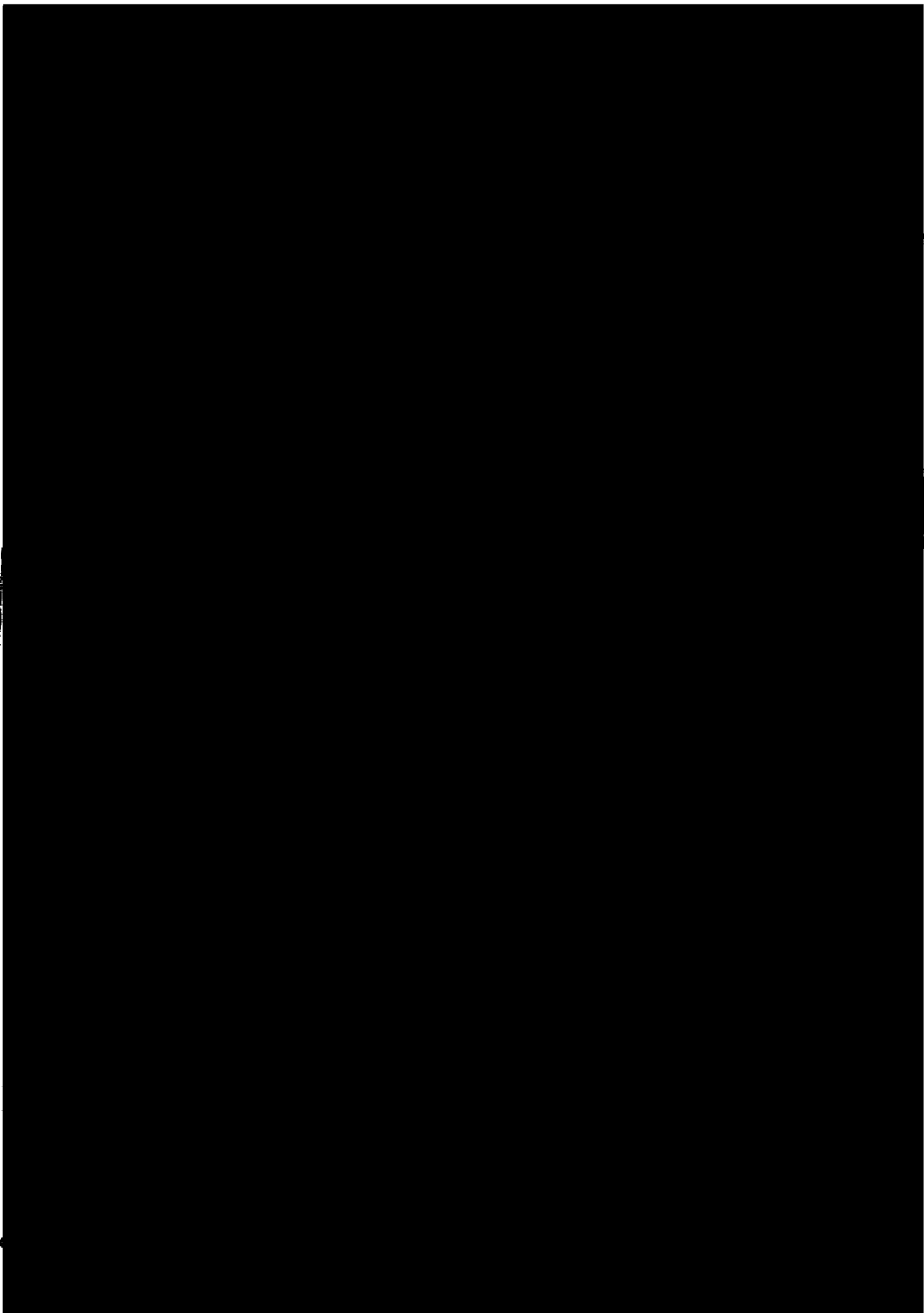
I will write to you next week [REDACTED]

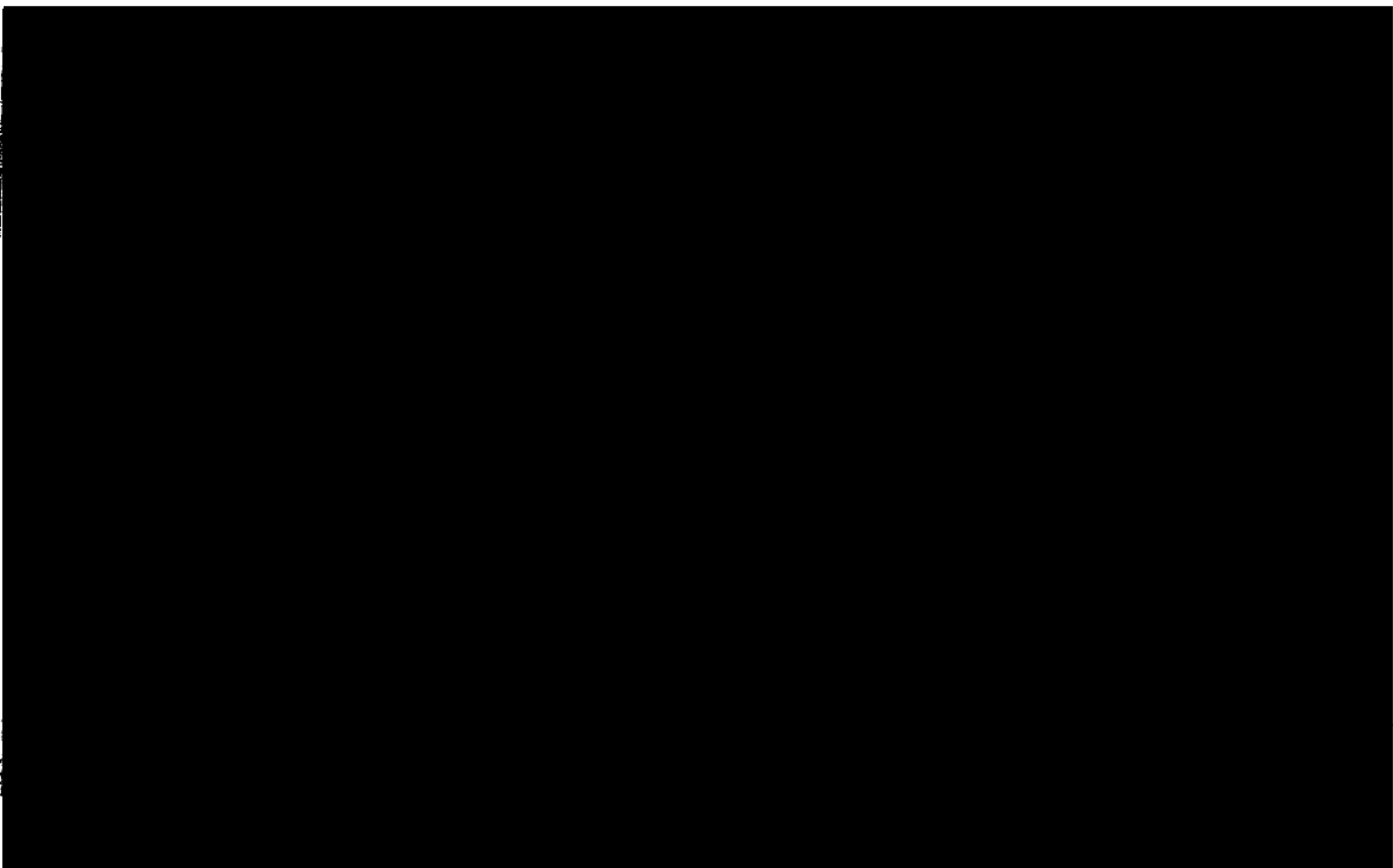
With regards

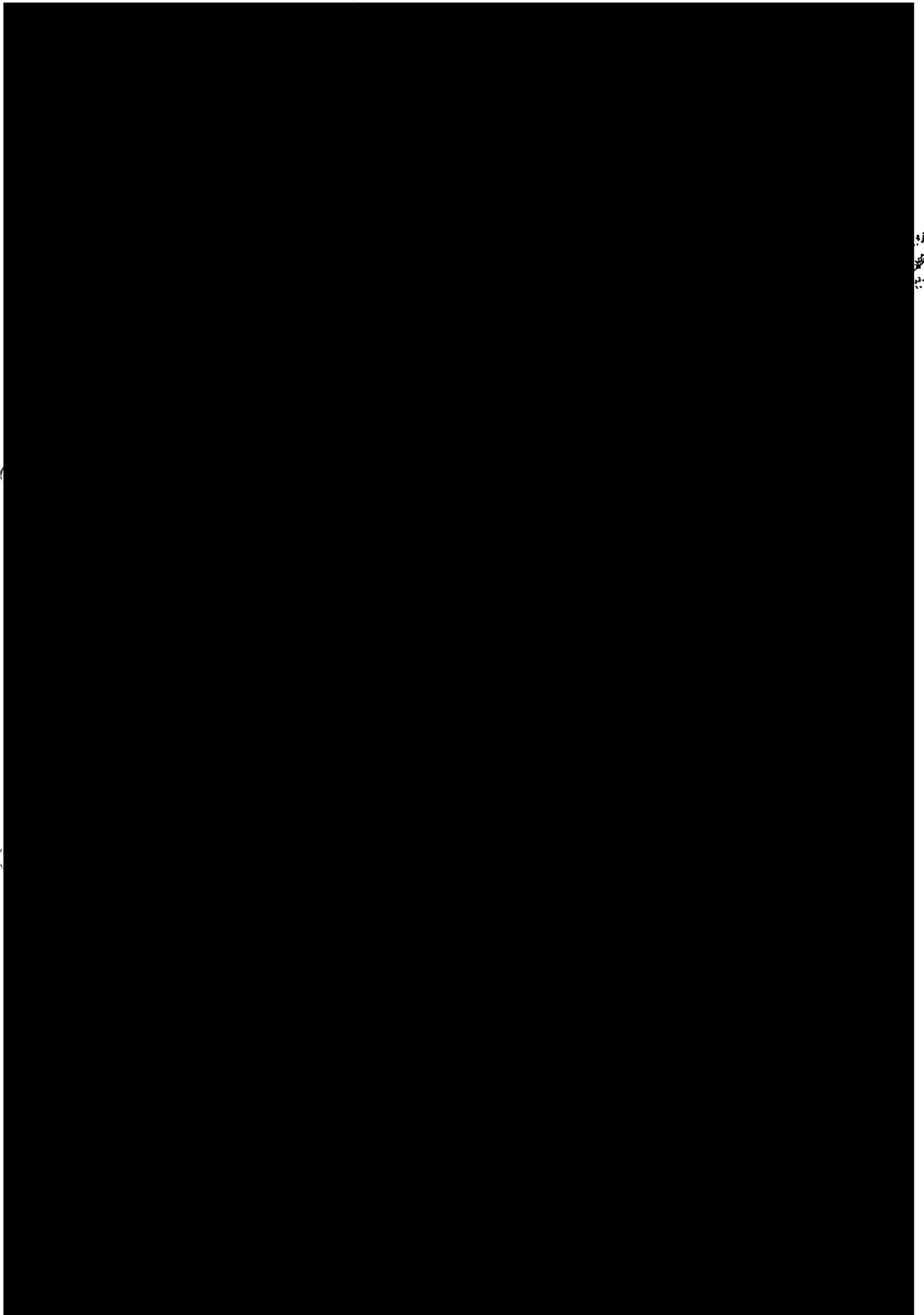
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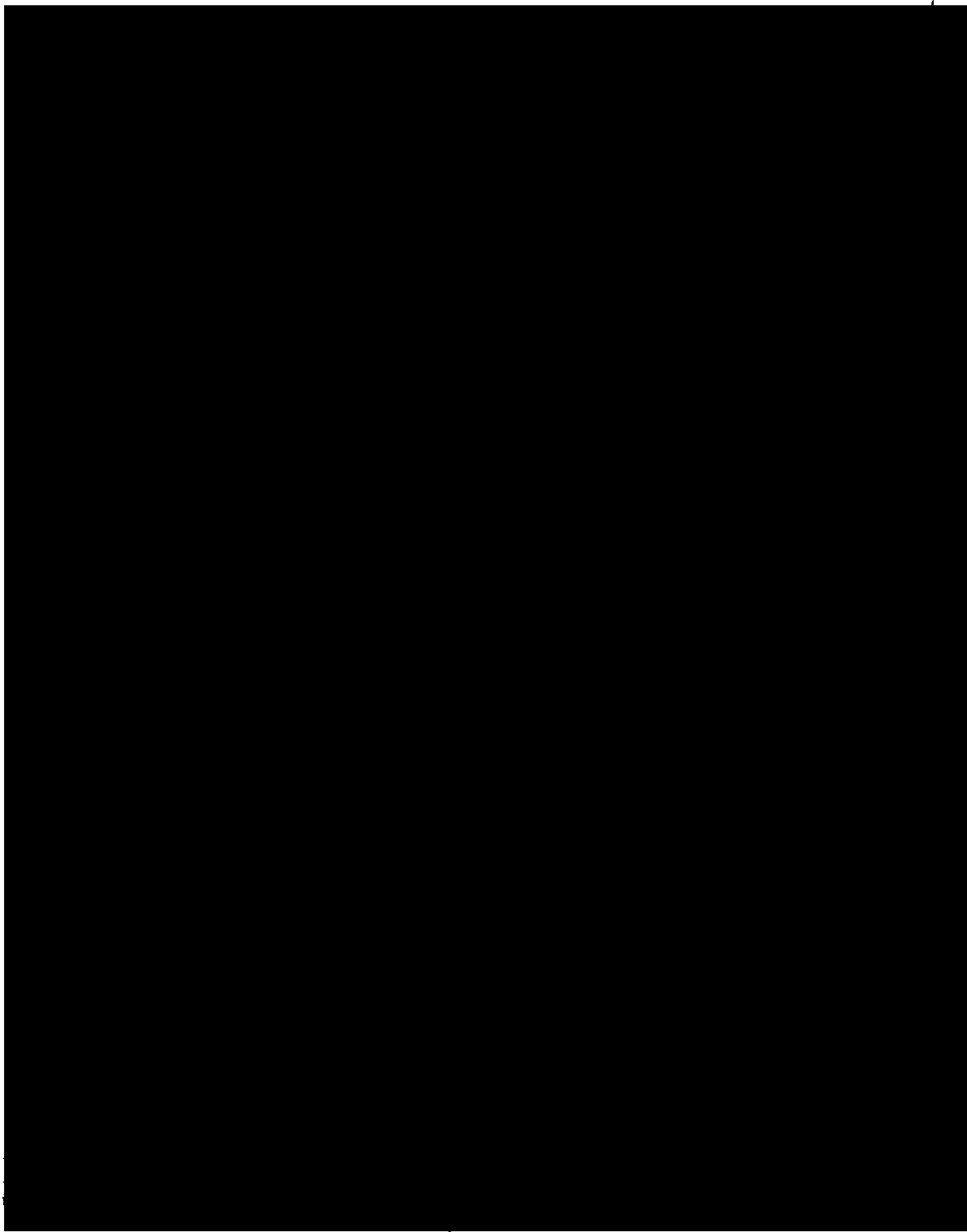
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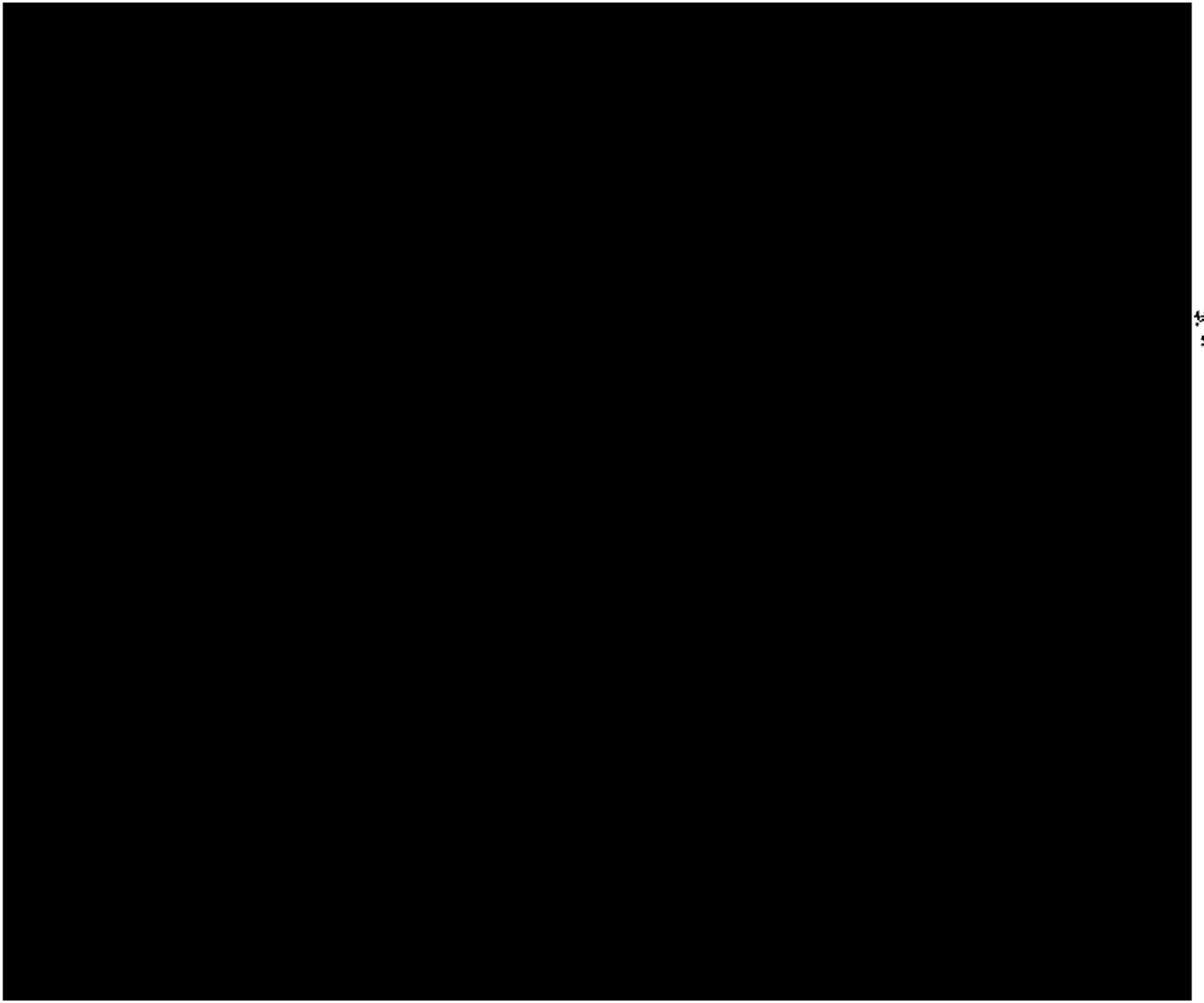
Complaint correspondence from Complainant no 3

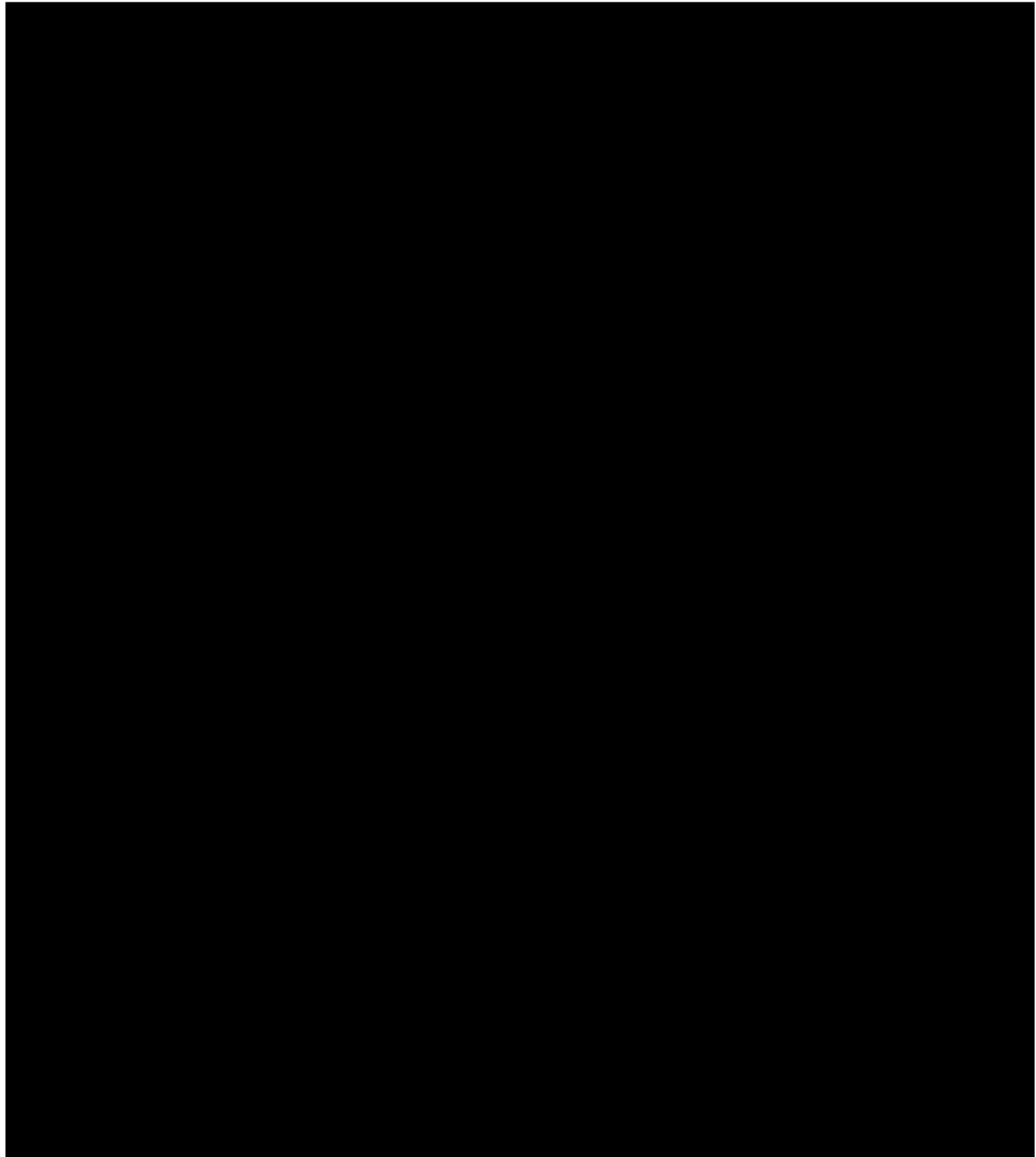














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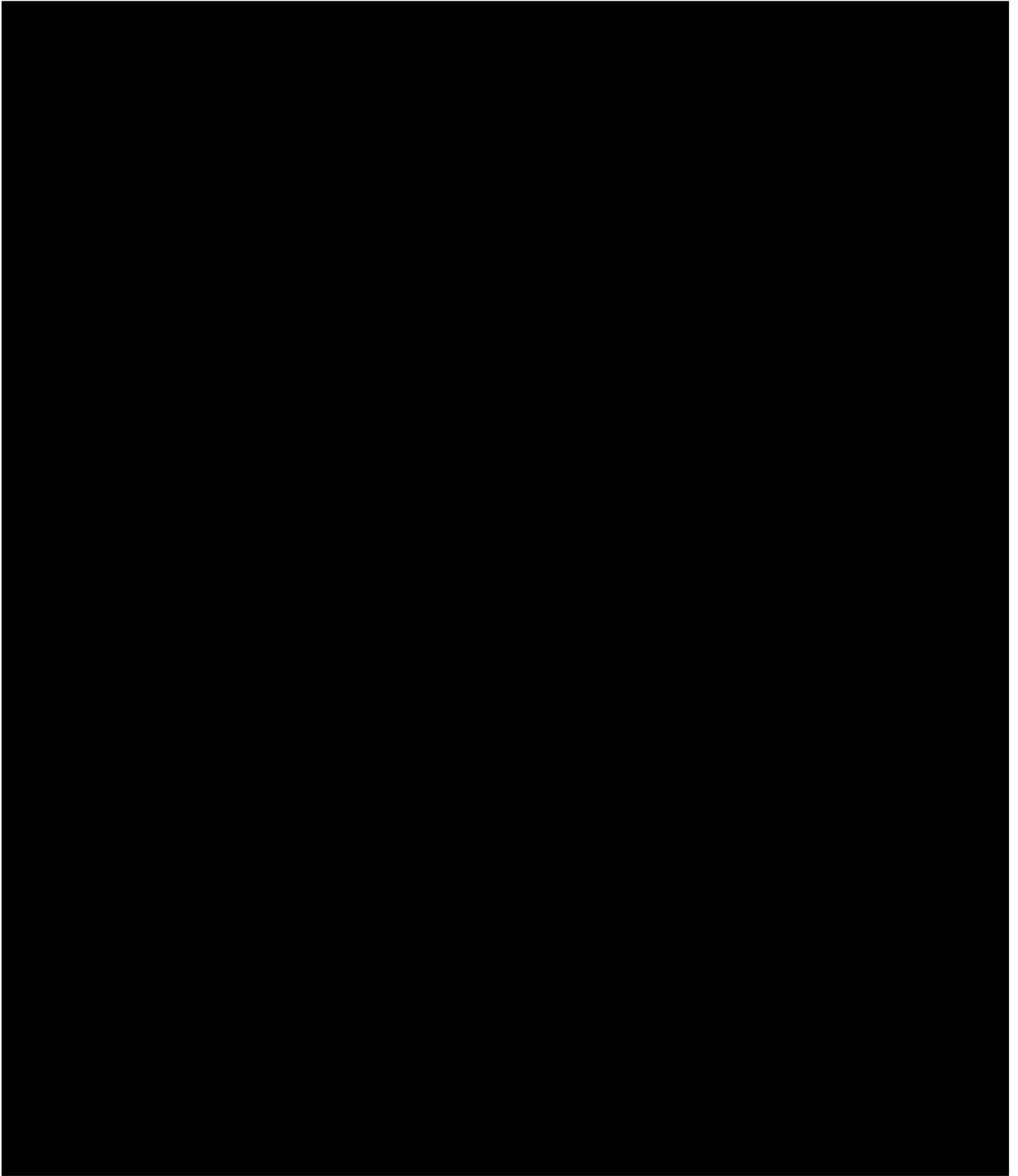
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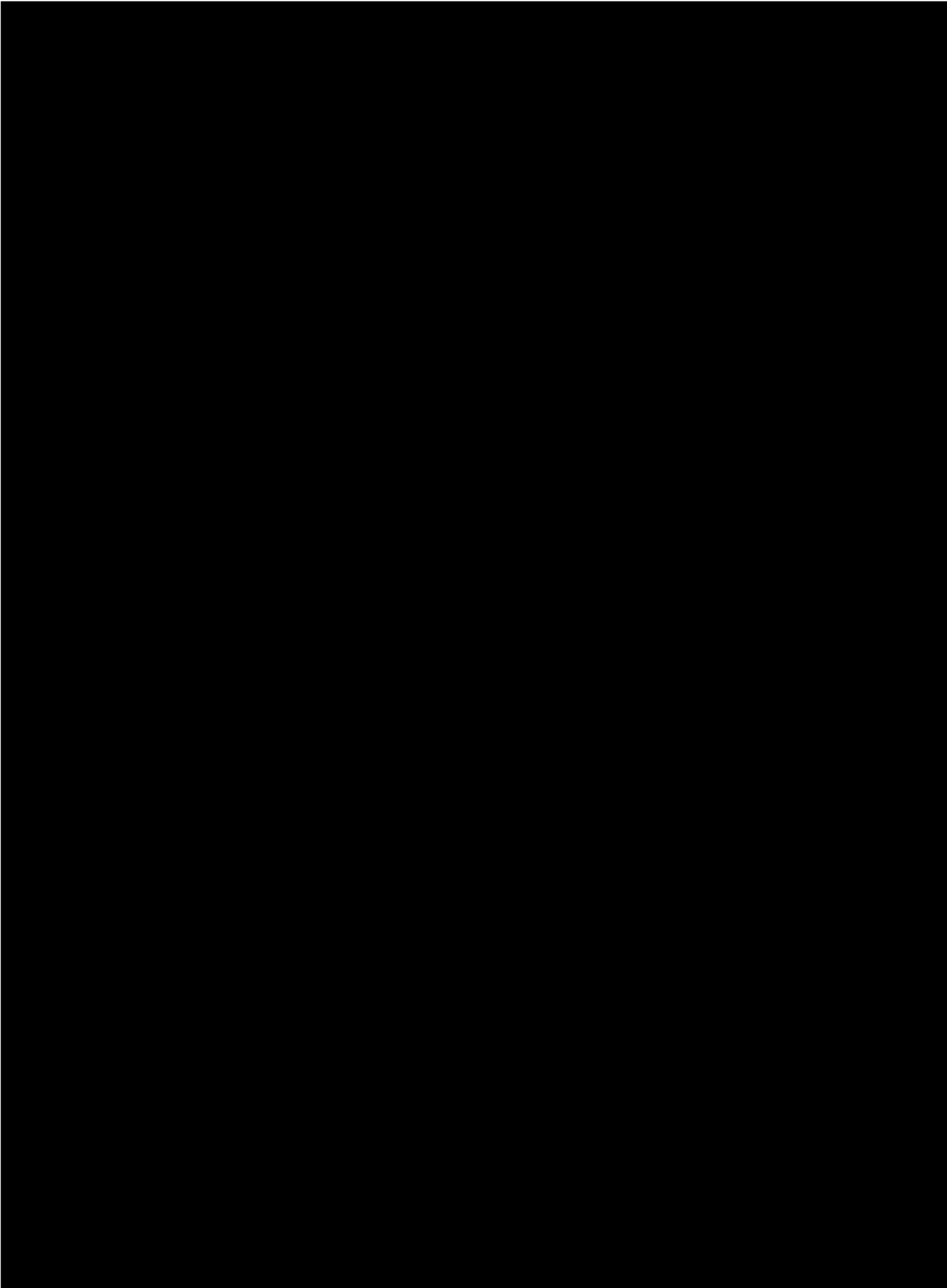
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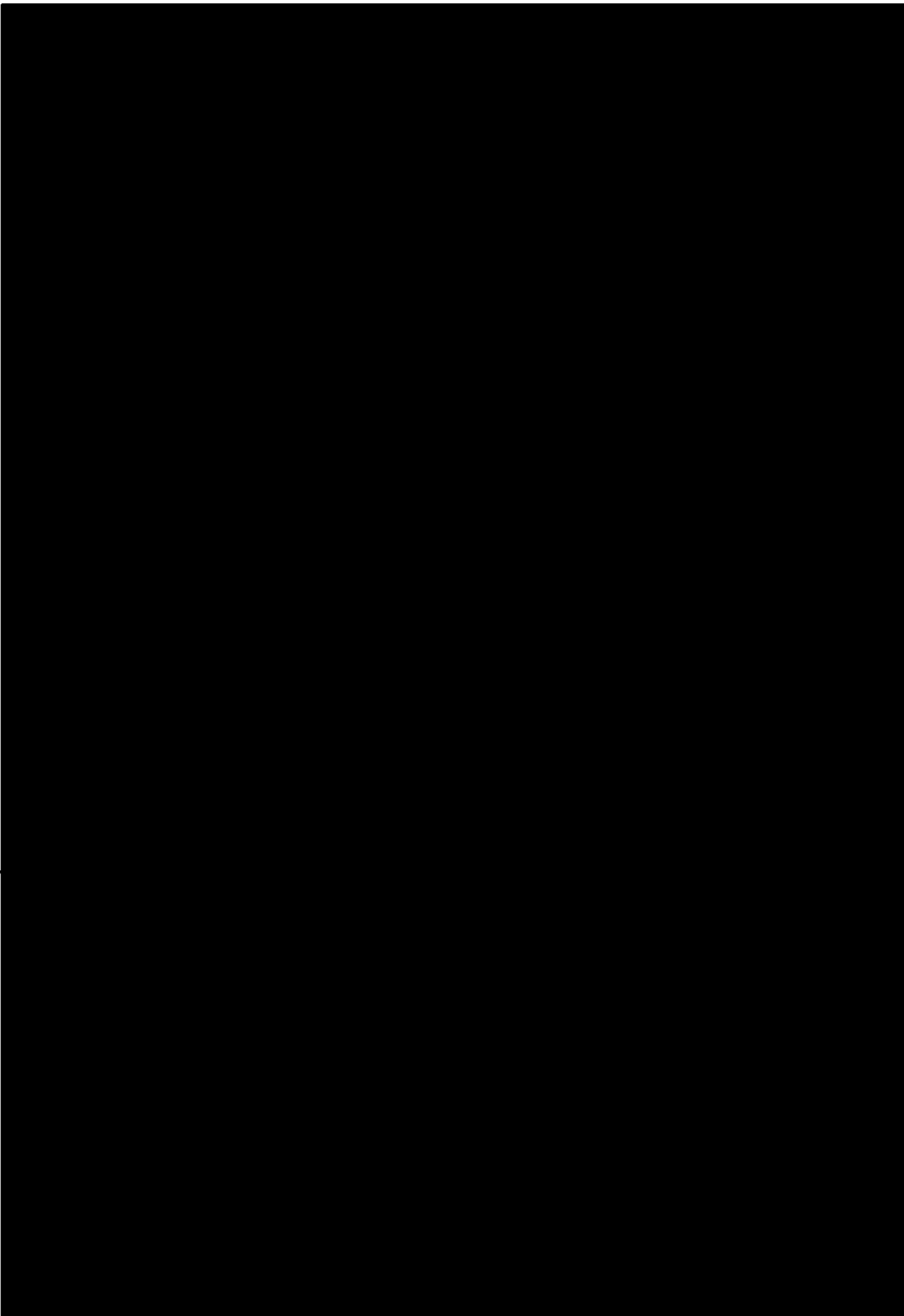
[REDACTED]

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HASLEMERE TOWN COUNCIL

Town Hall, High Street, Haslemere, Surrey GU27 2HG
01428 654305 / town.clerk@haslemeretc.org

Minutes of the Haslemere Town Council Meeting held at 7pm on
Thursday 28th November 2019
Council Chamber, Town Hall, High Street, Haslemere

| | |
|---------------------|--|
| Mayor | *Cllr J Robini |
| Deputy Mayor | *Cllr S Dear |
| Councillors | *Arrick *Barton, *Cole, *Davidson, *Dullaway, *Ellis *Hewett, *Isherwood, *Keen, *Lloyd, *Matthes, *Nicholson *Odell, *Round, *Weldon, *Whitby |

* present

The meeting was clerked by the Town Clerk, Lisa O'Sullivan, minuted by Jo Cork. Also present were Pippa Auger, Deputy Town Clerk and 16 members of the public.

Prior to the meeting prayers were said by Reverend Jenn Riddlestone from St Stephen's Church.

101/19 APOLOGIES FOR ABSENCE

All Councillors were present

102/19 DISCLOSURE OF INTERESTS

None.

103/19 DISPENSATIONS

Town Clerk granted all Councillors dispensations relating to the making of the budget.

104/19 QUESTIONS BY THE PUBLIC

Michael Barnes representing the Longdene Action Group a copy of his representation is attached at Appendix 1.

David Harmer (Surrey County Council) highlighted 3 points that in his view need to be addressed in the Neighbourhood Plan:

- H6.3 - Wording confusing 'not aggravate the creation of new public rights of way'.
- Pg 60/14 Hindhead Road is now 40 mph not 60mph as stated
- To clarify the terms 'on street parking' and 'off street parking'

The Mayor asked Cllr Harmer to feedback these points at the Public Consultation.

Sam Dudman (Haslemere resident) stated that he has concerns regarding the ongoing damage caused to Lion Green caused by various events that are held there; particularly damage to trees and the green itself (he was disappointed to see Lion Green being used as a car park and trees being cut back at some events). Sam requested that the Council consider the following to protect Lion Green:

- Impose stricter terms and conditions on the hiring of Lion Green
- Implement an exclusion zone around the trees to protect them
- Have a designated entry/exit points to allow vehicles to access the site

The Town Hall officers will respond to Mr Dudman after the meeting.

105/19 REPRESENTATIONS BY EXTERNAL BODIES

Lesley Banfield - Chair of Haslemere Vision made the following statement:

Haslemere Vision recommends that the settlement boundary included in the Draft Neighbourhood Plan (Appendix 3 to the Full Council Meeting Agenda 28th November 2019) is approved. This is because this boundary reflects the boundary that Haslemere Vision included in earlier drafts of the Neighbourhood Plan. This boundary is created by the designated areas that surround the town (AONB, AGLV, Green Belt). The boundary defined in the March 2019 Neighbourhood Plan approved by Haslemere Town Council includes areas within AONB, AGLV and Green Belt, some of these relate to sites which Waverley Borough Council were proposing to allocate for housing in their Local Plan part 2. However, Waverley have not yet consulted on these sites and, with the passage of time, there is now uncertainty as to whether they will be allocated or not. To include AONB, AGLV and Green Belt within the settlement boundary would give a "green light" to developers.

Further, to proceed with the March 2019 Neighbourhood Plan may jeopardize the adoption of the plan as it may fail to gain 50% or more of the community vote at referendum. This would risk the immense contribution of the community in helping to shape future development in the town.

The draft Neighbourhood Plan may well be considered 'material evidence' in the interim before WBC prepare and adopt Local Plan part 2 and will have equivalent legal status to the Local Plan if it is adopted. The Neighbourhood Plan will, therefore, influence Haslemere Town Council's and Waverley Borough Council's decisions on any forthcoming planning applications in the locality. The views of the residents of Haslemere need to be clearly expressed in the Neighbourhood Plan and to Waverley Borough Council whilst it is considering Local Plan Part 2.

106/19 MINUTES OF LAST MEETING

RESOLVED: That the minutes of the meeting held 26th September 2019 and any recommendations therein be adopted.

107/19 MAYORS UPDATE

The Mayor gave an update for the past quarter, highlights include:

The Mayoress, Jacquie Keen's fundraising walk over the 02 raised £1k for the Mayor's Charities, the Mayor would like to thank the Mayoress for undertaking this challenge.

Presenting an award to a 4 year old boy called Tony who assists his Mother with delivering the community meals service to Haslemere residents.

108/19 CLERKS UPDATE

The Clerk's Report had been distributed to the Council prior to the meeting and was noted.

109/19 NEIGHBOURHOOD PLAN

Cllr Robini proposed that the amended Neighbourhood Plan document and Summary (Appendices 3 and 4) is adopted by the Council to go forward for public consultation. This proposal was seconded by Cllr Barton.

Cllr Dear counter-proposed that the original Neighbourhood Plan document that was passed by Council at its March meeting be put forward to public consultation. He stated that the amended document as circulated with the Agenda had not been widely enough

consulted on and that organisations such as Chamber of Trade and Haslemere Society should have their say. This proposal was seconded by Cllr Odell.

There was a significant amount of discussion on the subject.

It was noted that there currently is no formal settlement boundary in Haslemere, in the document passed in March the settlement boundary set as per Waverley's draft LPP2 which lead to the encroachment of vital green spaces. It was hoped that the adoption of the amended version would help protect these green spaces. It was however stated that the original document already provided protection for AONB, AGLV etc.

In previous consultations, the public had been consulted on the informal settlement boundary, not the one in the March version of the Neighbourhood Plan. 65% of respondents did not wish to see development outside the current informal boundary.

Cllr Weldon commented that regardless of the issues with the Settlement Boundary, the original document was poorly worded and that his work had tidied it up

It was stated that the original document took 6.5 years to create, and should be the one to go forward to public consultation, however it was also noted that Haslemere Vision were in favour of the new amended document.

There was discussion over whether the adoption of the amended document would cause further delay to the process and it was noted that whilst there is no Neighbourhood Plan it leaves town wide open for development and loss of CIL funding.

RESOLVED: That the amended plan at Appendix 3 to the Agenda be adopted and put forward for public consultation.

Cllr Barton left the meeting at 7:57pm

110/19 FINANCIAL MATTERS

RESOLVED: The schedule of payments as detailed in the Cashbook printouts for months 6&7 and any variances in the Council's accounts are approved including the following overspends:

Photocopier Lease – budget £438 overspend at year end of under £200.

Subscriptions – budget £3000 overspend at year end of £261.

111/19 INTERNAL AUDIT REPORT

RESOLVED

1. Where a decision is made to place work without obtaining competitive quotes, then this decision should be recorded in minutes.
2. Council agrees that the minutes of the Staffing meeting held 7th March 2019 should be amended to show the correct pay scale for the Clerk of 42, not 41.

112/19 MINUTES OF COMMITTEE MEETINGS

RESOLVED: That the minutes of the below meetings and any recommendations therein, not already made under delegated authority, be adopted.

- Planning & Highways Committee – 10TH October and 7th November 2019
- Staffing – 19th October 2019
- Grants – 18th November

113/19 COUNCIL STRATEGY WORKING PARTY

Cllr Dullaway apologised that for various personal reasons the Strategy working party is behind schedule. An initial meeting has been held and a draft strategy document is to go to the Working Party next week prior to the next meeting.

8:02PM Cllr Barton rejoined the meeting

114/19 BUDGET WORKING PARTY

Cllr Dullaway reported that the budget WP met on Friday 8th November for consideration of the first draft budget. Income, core expenditure and capital expenditure line items were considered as well as an initial review of the non-core expenditure items which depend on the outcome of the Strategy WP before they can be finalised

Two exceptions which required further information:

1. Councillor Barton had requested funding in respect of the Haslemere Rail Partnership. The working party appeared to have contradictory information on what was required and why, so we deferred this item seeking further clarity. This has now been provided, and we will consider this at the next WP meeting.

2. The WP felt that the suggestions that HTC adopt freehold transfers from WBC would give rise to potentially large professional fees, and wished to investigate what these might be so we budgeted accordingly. This will be considered at the next WP.

For non-core items we need to finalise the strategy. However, we included indicative numbers based on the strategy work to date. The main implications of the strategy so far for the budget would be £10,000 for climate change grants and the need to provide additional staff.

Making allowance for the items mentioned above, the current position if our precept remained unchanged would be a shortfall of approximately £32K, or roughly 10% of income.

115/19 HTC CARBON NEUTRAL 2030 AND CARBON AUDIT

Cllr Lloyd circulated a paper prior to the meeting setting out how HTC will achieve their commitment of becoming a carbon-neutral organisation by 2030, this was noted by Council. It was agreed that the Climate Change WP would continue to exist to take forward the actions in the document. Town Clerk to confirm membership.

116/19 REPORTS FROM EXTERNAL REPRESENTATIVES

The Hunter Centre – Cllr Round asked Cllrs to support their Christmas Event which takes place on the 4th December at St Bartholomews Church at 7pm, he also asked WBC member why no WBC funding is received by The Hunter Centre? Cllr Keen commented that their submitted application was incorrectly completed.

Haslemere Hospital – Cllr Barton commented that although it is good news that the MIU will remain open it does not meet the requirements of a UTC – Urgent Treatment Centre and members must remain vigilant after the General Election.

Love Haslemere Hate Waste – Cllr Lloyd updated the council on their upcoming local initiatives to encourage the public to minimise waste.

Cllr Matthes mentioned that 'Green Drinks' takes place on the 1st Thursday of the month at The Mill Tavern, this is an informal event to discuss environmental projects.

8:20pm Cllr Barton left the meeting

117/19 FOI POLICY

RESOLVED: That the Freedom of Information policy and publication scheme as circulated with the Agenda are adopted.

118/19 WBC FREEHOLD TRANSFER

There was some discussion was had about the areas in question; Woodcock Green and Grovers Garden:

Woodcock Green:

Cllr Isherwood questions areas of map submitted, he believes pathway shown belongs to the National Trust and who is responsible for the maintenance of the trees.

Grovers Gardens:

Cllr Whitby questioned if residents have a right of way and who would be responsible for the track shown.

Cllr Dear commented that we need to be clear on exactly what we are getting from the WBC land transfer and to investigate any indemnities, rights of way and caveats that may be in place.

The Clerk confirmed that she is awaiting a report from WBC, and will clarify what is being offered.

119/19 FENCING OF LION GREEN DURING DECEMBER

RESOLVED The Council agreed to install approx. 80m of temporary 3ft high posts around the specified areas of Lion Green at a cost of £1400 to help protect from further damage.

120/19 PUBLIC TOILET CLEANING TENDER

RESOLVED It was agreed that the contract is awarded to Clean King for the tender period of 3 years at a cost of £11,130 per year.

Town Clerk left the meeting as she has a interest in the below item, the Deputy Clerk took her place.

121/19 TOWN COUNCIL IT PROVISION

RESOLVED: it was agreed that HTC moves its IT support to PAAC-IT as soon as practical on a 2 year contract at a cost of £1964.00, so long as the monthly support costs do not begin until the next financial year.

Meeting finished 8.50pm

Signed.....
Chairman of Meeting

Date.....

NEIGHBOURHOOD PLAN LPP2. HASLEMERE TOWN SETTLEMENT BOUNDARY (HTSB)

- I REPRESENT MORE THAN 250 RESIDENTS WITHIN THE LONGDENE ACTION GROUP (LAG).
- WE ARE PLEASED TO SEE THE CLEAR DISTINCTION BETWEEN UNBUILT AND BUILT AREAS OF HASLEMERE. THERE IS NO CASE, HOWEVER, FOR BUILDING ON ANOB/AGLV.
- WE DO NOT SUPPORT ANY CHANGE IN THE EXISTING HTSB BECAUSE:
 1. LPP1 (APPROVED BY THE THEN SECRETARY OF STATE) RECOMMENDED NO CHANGE AS IT WISHED TO PROTECT AONB/AGLV FROM ANY ADDITIONAL HOUSING DEVELOPMENT DUE TO THE UNDEVELOPED NATURE OF THESE BEAUTIFUL HILLY PARTS OF HASLEMERE (LONGDENE COUNTRY ESTATE AND SCOTLAND LANE), IT'S COUNTRYSIDE SETTING AND INTRINSIC CHARACTER AS A SMALL MARKET TOWN.
 2. HASLEMERE VISION RECOMMENDED NO CHANGE.
 3. 65% OF THE HASLEMERE COMMUNITY WISHED FUTURE HOUSING DEVELOPMENT TO BE KEPT WITHIN THE EXISTING HTSB.
 4. THE PROPOSED INCREASE IN THE HTSB INCLUDES MOSTLY AONB/AGLV WHICH IS PROTECTED FROM ADDITIONAL BUILDING. THE WHOLE PRINCIPLE OF PROTECTING AONB/AGLV WAS CONFIRMED BY INSPECTOR WOOLCOCK ON BEHALF OF THE SECRETARY OF STATE ON 10THJANUARY 2019 AND CONFIRMED IN THE HIGH COURT BY MR. JUSTICE HOLGATE WHEN REFUSING A PLANNING APPLICATION FOR 28 HOUSES ON LONGDENE HOUSE ESTATE (WHICH WOULD BE WITHIN THE EXTENDED HTSB BUT NOT THE EXISTING HTSB).
 5. RECOMMENDATION: HASLEMERE TOWN COUNCILLORS SHOULD SUPPORT THE MAJORITY (65%) OF THE COMMUNITY, HASLEMERE VISION AND LAG BY RECOMMENDING TO WBC THAT THERE SHOULD BE NO EXTENSION TO THE EXISTING HTSB PRIMARILY DUE TO MOST OF THE LAND BEING AONB/AGLV.

**MICHAEL BARNES BEM
ON BEHALF OF LONGDENE ACTION GROUP.**

Appendix 15

Strictly Private & Confidential

Terms of Reference for investigation into the complaint received from Councillor Dr Kirsten Ellis following a standards investigation into Councillor Ellis.

Investigator: Stuart Caundle

Stuart Caundle is a solicitor (non-practicing) with over 30 years' experience. Before retiring in 2019, he worked in local government for 25 years for a number of local authorities in Dorset. Latterly he was Assistant Chief Executive and Monitoring Officer for the Dorset Councils Partnership, comprising three district councils. Before the implementation of new unitary authorities in Dorset, he became Head of Paid Service for the Partnership.

A Waverley Borough Council point of contact has been identified to the investigator to support them during this process.

Background

Councillor Dr Ellis is an Independent Haslemere Town Councillor. Councillor Ellis has complained about the way in which the Monitoring Officer carried out an investigation into complaints that she breached the Member Code of Conduct. A timeline of events is shown below:

- On 26 May 2020 Cllr Ellis was advised that three complaints had been made against her
- These complaints related to a vote at a Town Council meeting on 28 November 2019, specifically an alleged failure to declare pecuniary and non-pecuniary interests before the vote relating to the Haslemere Neighbourhood Plan
- The Plan had previously been subject to a Town Council vote in March 2019
- On 26 June 2020 Cllr Ellis attended an informal meeting by Zoom with the Waverley Borough Council Monitoring Officer, Borough Solicitor and the Corporate Complaints Officer to discuss the allegations
- Cllr Ellis was advised that 2 of the 3 complainants had been granted anonymity by the Monitoring Officer but that this would be kept under review.
- The complainants were also advised that their anonymity would be kept under review.
- On 12 August 2020 Cllr Ellis was informed that the Monitoring Officer had completed his informal investigation and had concluded that it was possible that she may have had a non-pecuniary interest that she had failed to declare. Cllr Ellis was advised that one of Waverley's Independent Persons would be asked to review the case and provide a view on it. The Monitoring Officer also advised Cllr Ellis of her right to consult the Independent Person.
- The Monitoring Officer wrote to the Independent Person on 12 August 2020 seeking her view on the case.
- In subsequent correspondence with the Independent Person, the Monitoring Officer confirmed that Cllr Ellis did wish to exercise her right to consult the Independent Person before the Independent Person reached her view of the case.
- The diary commitments of the Independent Person and Cllr Ellis prevented this meeting between them from taking place until 15 October 2020.

- Following the meeting between the Independent Person and Cllr Ellis on 15 October 2020, the Monitoring Officer and the Independent Person corresponded in writing and had a telephone discussion on 26 October.
- The Independent Person confirmed her view about the case to the Monitoring Officer on 27 October 2020.
- Cllr Ellis has reported that on the 15 October 2020 the Independent Person advised her that she would recommend the matter be resolved informally and that in addition she was of the view that the identity of both the complainants should be disclosed and that this was an important concept of law. Cllr Ellis feels that as an unpaid Town Councillor she has not been accorded rights due to a common criminal as she should know who is accusing her.
- Following his consideration of the view given to him by the Independent Person on 27 October 2020, the Monitoring Officer took the decision to progress the investigation to the “formal”, external stage, insofar as it relates to the allegation that Cllr Ellis did not declare a non-pecuniary interest at the Town Council meeting in November 2019 convened to consider and approve the town’s overall Neighbourhood Plan.
- The Monitoring Officer wrote to all parties on 30 October 2020 confirming his decision. In those communications, the Monitoring Officer confirmed that he agreed with the Independent Person’s view that if the matter was to be progressed to a formal stage that the complainants’ identities should be disclosed. Those complainants who had been granted anonymity were asked to make a choice between withdrawing their complaint or consenting for their identity to be disclosed.
- The Monitoring Officer corresponded with the complainants during November and December on the matter of their anonymity. The Monitoring Officer established w/c 7 December 2020 that of the two initially anonymous complaints, the identity of one would be disclosed on the basis of consent being given and that one complaint would not be investigated as consent for disclosure had not been given. This allowed the scope of the matter to be investigated formally to be confirmed.
- Having established the scope of the complaint to be investigated and the list of complainants, the Monitoring Officer made arrangements to commission an external investigator via Hoey Ainscough Associates. The Monitoring Officer wrote to Cllr Ellis on 24 December 2020 confirming that Melvin Kenyon had been commissioned to formally investigate the complaint against her.
- Mr Kenyon commenced his investigation shortly thereafter and is currently still investigating this matter.

The investigation of Councillor Ellis’s complaint is taking place as a Level 2 complaint under Waverley Borough Council’s complaints procedure see: [complaints procedure](#)

In the event that Councillor Ellis remains dissatisfied with the Council’s response to her complaint she can raise her concerns with the Local Government and Social Care Ombudsman.

The complaint under investigation

The complaint from Cllr Ellis is included as Appendix 1. The key points included in the complaint are that the Monitoring Officer:

1. Failed to follow the principles of natural justice and procedural fairness in breach of a clear legal duty to do so.
2. That Waverley has been biased into investigating complaints against Cllr Ellis as an Independent, by contrast, recently dismissing lightly complaints against other Councillors.

There are additional points included in the letter of complaint, namely that:

'It is hard not to avoid the impression that Waverley, as represented by its Monitoring Office, is inherently biased towards aiding Red Court's property developer, to whom Waverley's planning department and some Conservative Councillors, have given active support.'

'Mr Taylor's decision to sustain his disproportionate investigation against me – first informal now informal - for eleven months, while providing no evidence of fact to support the accusations against me is tantamount to institutional bullying and harassment. It has caused me unacceptable levels of considerable distress and upset to my mental and emotional health.'

'I also allege that the standards Waverley applied and continue to apply in my case are different from the standards it has recently applied in the case of other Councillors. This inequity of treatment reinforces my point that the investigation into my conduct is unwarranted and disproportionate. I claim I have been targeted for serious, prolonged and harassing investigation because I am known to have challenged decisions taken by Waverley's planning department and some of its Conservative Councillors.'

'I am being disproportionately targeted as an Independent Councillor who has spoken out publicly about wishing to protect Haslemere's environment and biodiversity, in support of sustainable development and housing practices and as an advocate for holding both HTC and Waverley accountable to the policy guidelines set out in the National Policy Planning Framework and their own policy declarations on Climate Emergency and Biodiversity loss.'

'I have concluded, after eleven months of this, that Mr Taylor is keen to find something – anything – to prove reputational damage and justify his lengthy investigation, paid for by Waverley out of the public purse.'

These are of course very serious concerns, and we would ask the investigator to consider what evidence there is to support these allegations and include them in his investigation.

Scope of the independent investigation

This is a complaint about the process followed by the Monitoring Officer when investigating three complaints about Councillor Ellis' conduct and these Terms of Reference set out the scope of the independent investigation.

The investigation will be limited to establishing whether:

- The Monitoring Officer investigation followed the investigation process as laid out here:
https://modgov.waverley.gov.uk/documents/s10664/Post_Council_Arrangements.pdf
- It was reasonable, fair and proportionate given the nature of the complaints
- Whether there is any evidence to support the allegation that there has been a breach in any legal duty towards Cllr Ellis.
- Whether the actions and communications by the Monitoring Officer were within the range of reasonable responses and actions expected given the circumstances
- The investigation was conducted within reasonable timescales – ‘reasonable’ needing to be assessed in the context of the Monitoring Officer’s other duties, including the additional expectations placed upon them by the Council’s response to the Covid-19 pandemic
- What evidence there is to support the allegation that the actions of the Monitoring Officer amount to; ‘*institutional bullying and harassment*’
- There are allegations that the investigation was inconsistent with approaches between the investigations of this complaint and the investigations into other Councillors. This investigation will not examine the ways other complaints have been handled (as there are too many variables in each complaint to consider and this would be disproportionate in terms of quality, cost and time to the public purse) but it will assess whether the investigation followed the procedures laid out in a fair, consistent and proportionate manner.

In consideration of this, the investigator will need to:

- Identify the correct process that should have been followed
- Assess the actions taken by the Monitoring Officer to see if he followed that process and actions were reasonable, fair and proportionate, met the required standards and were broadly consistent with other investigations carried out.
- Consider whether it was a reasonable conclusion given the evidence available at the time that the Monitoring Officer accepted the complaint and made the judgement that the complaints on this occasion did not meet the following criteria: ‘*the complaint contains trivial allegations, or which appear to be vexatious, malicious, politically motivated or tit-for-tat.*’
- Identify whether the informal interview with Councillor Ellis on 26 June 2020 was conducted in an unfair or inappropriate fashion
- Identify whether it was reasonable, fair, consistent and proportionate, and allowed in Waverley’s arrangements for investigating complaints about councillor conduct, to anonymise the identity of two of the complainants
- Assess whether the communications with Cllr Ellis regarding this matter have been reasonable, proportionate and consistent with the correct process
- Assess whether the complaint investigation progressed within reasonable timescales given the context; the extent to which any delays were as a result of the action or inaction of the Council or the action or inaction of other parties involved; why any delays on the part of the Council occurred; and whether they were reasonable, proportionate and within the process laid out.

Investigation limitations

It is important to note that this complaint investigation is not:

- A misconduct investigation against the Monitoring Officer. It is the independent investigation of a complaint received from Cllr Ellis.
- A re-run of the ongoing Standards Code of Conduct investigation, and will not be a satellite investigation of those complaints
- Must be reasonable and proportionate taking into account the impact on all the people named in the complaint, the Council and the cost to the taxpayer.
- Should be carried out on the basis that the burden of proof is not 'beyond all reasonable doubt' but is 'on the balance of probabilities'

This investigation:

- Will not examine whether the motives of the original complaints against Cllr Ellis were vexatious or unfair.
- Will not include any allegations or actions taken by, for or against the Planning and Economic Development Service provided by the Council
- Will not impede the Monitoring Officer from continuing to investigate any outstanding matters relating to Councillor Ellis as required by them in their roles and obligations.

Methodology

A body of evidence exists that is relevant to this investigation which includes:

- Emails
- Recordings
- Notes
- Minutes
- Reports

For the purposes of efficiency and effectiveness, we will ask the Investigator to undertake a thorough review of this evidence initially and to liaise with the Council point of contact to access any other evidence needed. Participants in the investigation will be invited to submit any further evidence they would like to be considered as relevant to the complaint in the form of documentation.

The Investigator will then make a decision whether face to face (or digital) interviews of any participants are required and whether these need to be limited to answering specific questions.

It is the expectation that the complainant and the Monitoring Officer will support the investigator in his role in this matter, will supply all necessary information. If a meeting is necessary, we would ask the investigator to explain the reasons for this to the individuals concerned, and it is our expectation that reasonable requests would be complied with.

Waverley Borough Council will supply a point of contact for the Investigator so that they can reasonably access all necessary documents, recordings, policies and so on.

Confidentiality

Please note that this investigation is strictly confidential. The process of the investigation, the identities of those involved, and the investigation outcomes are not be shared by any of the parties involved, other than with their own advisors that they may need to appoint. The only exception to this is if the investigation report is required as evidence for internal employment or complaints processes within Waverley Borough Council.

Timescales

We would ask that the investigation is completed within a 4-week time period commencing from the point of agreement of these Terms of Reference and that the Investigator advises Waverley Borough Council promptly if there are likely to be issues in achieving that timescale.

Communication

We confirm that we will communicate with those involved in the investigation on receipt of the final outcomes report from the Investigator

We would encourage those involved in the investigation to communicate openly and transparently with the investigator and to raise any concerns during the process with the Council point of contact

Note

Stuart Caundle is not instructed as a legal advisor by the Council and has not advised on this matter. His role is solely as an independent investigator. Where agreement is not achieved, this will be noted.

Tom Horwood

Chief Executive

Waverley Borough Council

18 March 2021