


City of York Council Standards Committee	
Pre Hearing checklist	
Complainant	Mr and Mrs Harrison
Subject Member	Councillor
Investigating Officer	R McEvitt
Do you intend to attend the proposed hearing to give evidence or make representations	
Yes	
Do you wish to be represented at the hearing by a solicitor, barrister or another person.	
Yes	
If so by who?	
<i>Name of representative and capacity in which they act: e.g. solicitor, friend, fellow Councillor</i> <i>Mrs S Nunn, Clerk to Strensall with Towthorpe Parish Council</i>	
Do you wish the whole or any part of the hearing to be in private?	
Yes	
If yes please explain why	

As the complainants have indicated that they intend to progress this issue through the courts it is believed that comments made in open proceedings could be misconstrued and used as evidence against both the Parish Council and City of York Council.

Do you wish any part of the Investigating Officer's report or other relevant documents to be withheld from the public?

No

If yes please explain why

Do you disagree with any of the facts found by the investigating officer as set out in his her report?

Yes

If yes please set out briefly the facts that you dispute and your view as to the true factual position

1. Page 5. Third Paragraph. Missing Facts. The report states that the Harrison's involvement with STPC started in 2007. The first piece of documentary evidence provided by the complainants is from 2011. There is no attempt in the report to enquire as to what happened in the intervening four years, or any evidence that the Investigating Officer sought out what STPC might have been doing during that period or to see whether there was any correspondence during that period between STPC and the complainants.
2. Page 13. First Paragraph. The report states "It appears during the course of my investigation that there is a belief amongst the Parish Council that Mr and Mrs Harrison intended at the time the Deed of Grant was granted to then sell the land for development purposes, however, I have found no evidence of this." The Investigating Officer did not ask for any evidence. The allegation of no evidence is then repeated in the second paragraph.
3. Page 14 First Paragraph. The report states "it appears that STPC were willing to approve the request made by Transcore, despite rejecting Mr and Mrs Harrison's request." This is not true. STPC were not willing to approve the use of their leased land for utilities, which is the root of the complaint. Subsequent actions and a wealth of documentary evidence prove this.
4. Page 14. Second Paragraph. The Report states "Regardless of the position of City of York Council which has changed the decision made in respect of Sevenoaks, it does appear to me that The Firs was rejected because of a belief, even though I have found no evidence to support this belief, that there was some sort of deception taking place. Firstly, the position of STPC has not changed over Sevenoaks and secondly, STPC has taken a consistent line with all cases of alleged trespass over its leased land. There is a wealth of documentation to support this.
5. Page 14. Third Paragraph. The report states: I have also looked to the minutes of the monthly meeting which took place on 9th June 2015 which deals with Mr and Mrs Harrison's request for services across the leased land, the reason within the minutes given by STPC to refuse this request was "the original Deed of Grant was given for a specific purpose". In my view, I cannot see the relevance in considering this request of the purpose of the Deed of Grant, this request which was made in June 2015 was a new request for services to be brought across the land. The statement in the minutes concerning the purpose for the original Deed of Grant is true and therefore any change would confer legitimacy on a situation which had been disputed by SPTC and over which hung the threat from the Harrison's of legal action. None of these facts are mentioned in the Report.
6. Page 14. Fourth Paragraph. The Report finds a breach of the STPC Code of Conduct in respect of selflessness, integrity, objectivity, accountability and openness. Had the decision of SPTC at that meeting been to grant the request, exactly the same criticism could be levelled, particularly in terms of objectivity, accountability and integrity. By granting the request SPTC could be seen to have been capitulating to the threat of legal action and of being subjective in its approach to alleged acts of trespass on its leased land, the latter position being fully supported by City of York Council.
7. Page 15. Second Paragraph. The Report discusses a letter from STPC to the Harrison's in September 2015 and states: "What I have considered however, is the penultimate paragraph of the letter which reads: "The Parish Council, with the support of the City of York Council are not prepared to permit any Deed of Easement to allow you to profit from the erection of a new property, accessed in this way. The Parish Council feel that you misled them in order to achieve your wish to profit from providing a building plot made accessible by the second structure." I find that this paragraph of the letter does not accord with the principles of the Code of Conduct in respect of objectivity, openness or honesty." The fact disputed here is that it is impossible to see how the Investigating Officer can second guess the views of the Parish Council at the time when the letter was written and there are no facts given to support her assertion. It may make uncomfortable reading for the recipients, but that does not make it anything less than objective, open and above all, honest.
8. A Lack of Facts. The report by the Investigating Officer concentrates almost entirely on

the information provided by the complainants and contains hardly any factual detail about the history or the origins of the circumstances of this issue. The report does not include any investigation into the factual circumstances that led to the actions taken by STPC subsequent to the unauthorised construction of an access road from Lords Moor Lane to The Firs in December 2007.

Parish Councillor CR Chambers

Do you believe that witnesses should be called to the Hearing
<i>Yes/No</i>
If yes please identify the witnesses who you wish to be called and briefly identify the issues that they will be able to give evidence about

Councillor Chris Chambers