

Complaint About The Investigation and Subsequent Report Concerning Strensall With Towthorpe Parish Council and The Harrison's

This complaint concerns the investigation and subsequent report, dated 8 June 2016, into a complaint submitted to City of York Council (CYC) by the residents of The Firs, Lords Moor Lane, Strensall. The investigation was conducted by Rachel McKeivitt, who was appointed by Andrew Doherty, the CYC Monitoring Officer. Copies of the report were sent, amongst other recipients, to certain councillors on Strensall With Towthorpe Parish Council (STPC).

In outline, this complaint is about the lack of depth of the investigation into the Harrison's complaint, the quality of the report submitted to The Monitoring Officer, the correctness of some of the statements made in the report and the overall impression that the report would give to its readers and in particular, the CYC Hearings Sub-Committee of the Standards Committee.

In detail, the complaints are as follows and refer to specific parts of the report.

Page 5. Third Paragraph. Missing Facts. The report states that the Harrison's involvement with STPC started in 2007, though the first piece of documentary evidence provided by the complainants dates from 2011. There is no attempt recorded in the report to enquire what happened between 2007 and 2011, 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. Had this happened, and had that evidence being viewed, a different perspective might have ensued.

Page 13. First Paragraph. Factual Error. 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.

Page 14. First Paragraph. Lack of Investigation and Factual Error. 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 by STPC and a wealth of documentary evidence can prove this.

Page 14. Second Paragraph. Factual Error. 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". This statement is incorrect because 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. Again, there is a wealth of documentation to support this.

Page 14. Third Paragraph. Missing Facts. 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 it was the STPC view that 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.*

Page 14. Fourth Paragraph. Subjectivity. 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 for a Deed of Grant, exactly the same criticism could be levelled, particularly in terms of objectivity, accountability and integrity. By granting the request for a Deed of Grant SPTC could have been seen to have been capitulating to a threat of legal action and of being subjective and inconsistent in its approach to alleged acts of trespass on its leased land, the latter position being fully supported by City of York Council.

Page 15. Second Paragraph. Subjectivity. 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 complaint here is that it is impossible to see how the Investigating Officer could second guess the views of the Parish Council at the time when the letter was written. Additionally, there are no facts given to support the assertion. The letter from STPC may make uncomfortable reading for the recipients, but that does not make it anything less than objective, open and above all, honest.

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 surrounding the complaint. The first four years of the period under investigation in the report are almost completely ignored. 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 onto the property known as The Firs in December 2007.

The Report will form the evidence to be considered by the CYC Hearings Sub-Committee of the Standards Committee at a hearing on 11 October 2016. In its present form, the lack of facts, subjectivity and errors contained within it will inevitably give the Sub-Committee a skewed and shallow version of the events.

Chris Chambers

26 September 2016