

Complaint Form

1. Your details

Title	Mr
First Name	Michael
Last name	Askew
Address	York
Daytime telephone number	
Evening telephone number	(
Mobile telephone	
E-mail address	

Your address and contact details will not usually be released unless necessary to deal with your complaint.

However, we will tell the following people that you have made this complaint:

- *The Member you are complaining about*
- *The parish or town clerk (if applicable)*
- *The Independent Persons who advise the City Council on handling standards complaints*

We will tell them your name and details of your complaint. If you have serious concerns about your name or details of your complaint being released please discuss those concerns with the Council's Monitoring Officer before submitting your complaint.

2. Making your complaint

You should submit your complaint to the Council's Monitoring Officer by e-mail to monitoringofficer@york.gov.uk or by post to:

Andrew Docherty
The Monitoring Officer
City of York Council
West Offices
Station Rise
York
YO1 6GA

3. Please provide the name and address of the Councillors who you believe have breached the code of conduct and the name of their Council:

Title	First name	Last name	Name of Council
Mr	John	Galvin	York

4. Please explain in this section (or on separate sheets) what the Councillor has done that you believe breaches the Code of Conduct. If you are complaining about more than one Councillor you should clearly explain what each individual has done that you believe breaches the code of conduct.

This complaint relates to the conflict of interest of Councillor John Galvin who is a member of the Board of Governors for York District Hospital (the vendors of Groves Chapel) and chairman of the Area Planning Committee. Councillor Galvin explained at the beginning of the Committee meeting that he had this conflict of interest, but it was irrelevant because he has no influence on the decisions of the Hospital Estates Department. In reality the conflict is relevant because in his capacity on the Board of Governors Mr Galvin has a duty to strengthen the hospital finances as far as possible. If the hospital can dispose of Groves Chapel to the highest bidder (in this case the developers S. Harrison) that objective is furthered. As a Councillor Mr Galvin has a separate responsibility for the wellbeing of the York electors and (inter alia) to the local residents. In the light of this conflict of interest the proper action would have been for Councillor Galvin to recuse himself, and to take no part in the Groves Chapel decision. A different chair could then have been elected by due process. As it happens the vote was tied with the chairman's casting vote being decisive in favour of the applicants S. Harrison.

A different person chairing the meeting might have voted differently, and a different decision would have resulted. The decision was made under improper circumstances and it should be declared null and void.

McCusker, Glen

From: Docherty, Andrew
Sent: 15 April 2016 14:08
To: David Laverick
Subject: Fwd: Complaint form
Attachments: Governors_guide_August_2013_UPDATED_NOV_13.pdf, ATT00001.htm; NHS BriefGuideForGovernors.pdf, ATT00002.htm; 5AMembersCodeofConduct.pdf.pdf, ATT00003.htm

Hi David, I asked Mr. Askew to expand on his suggestion that Cllr. Galvin is under some duty to strengthen the finances of the Hospital Trust. This is his response.

Regards

Andy Docherty

Sent from my iPad

Begin forwarded message:

From: Michael Askew <_____>
Date: 15 April 2016 at 09:21:50 BST
To: "Docherty, Andrew" <andrew.docherty@york.gov.uk>
Cc: "Peter.Lawrence@warekay.co.uk" <Peter.Lawrence@warekay.co.uk>, "Rachael Maskell (rachael.maskell.mp@parliament.uk)" <rachael.maskell.mp@parliament.uk>
Subject: RE: Complaint form

Andy

I enclose the NHS Brief Guide for Governors and the reference guide to which it refers. Page 26 of the reference guide explains that "The council of governors has a duty to hold the non-executive directors individually and collectively to account for the performance of the board of directors." Governors of York Teaching Hospital must act in the interests of the hospital in order to fulfil their duty. At a time when health budgets are under severe strain NHS trusts and other hospital governing bodies will be seeking to ensure that their balance sheets are as strong as possible. It would be a dereliction of duty if any person serving on Council of Governors for York District Hospital did not support that aim. It is a reasonable presumption is that Councillor Galvin in his capacity as a Governor feels a responsibility for the strength of the York teaching Hospital finances. If the hospital believes (as Mr James Hayward of the estates department explained at the meeting) that they have no further need for Groves Chapel it is a requirement of their governance that in support of the same aim they should sell the Chapel to the highest credible bidder. That bidder is the developers S. Harrison acting in partnership with the Sainsbury supermarket chain. However the bid was conditional on the granting of planning permission for the application that was before the Area Planning Committee on the 7th April.

It was quite evident at the 7th April Area Planning meeting that the Union Terrace residents feel very strongly that the already severe traffic problems that are currently causing them serious safety concerns will be greatly exacerbated by the presence of a supermarket at the end of their street. In such circumstances it is vital that there can be complete confidence that no Councillor sitting on the Planning Committee has any bias that could affect their judgement. Such neutrality is even more important for the person chairing the meeting. The requirement for such neutrality is set out in York Council's own code of conduct for Councillors which I also enclose. Section 6 (3) of this code stipulates "If you have a personal interest and a member of the public with knowledge of the relevant facts would reasonably regard it as so significant that it would be likely to prejudice your judgement of the public interest then you have a prejudicial interest." Section 6 (4c) specifically

draws attention to the need for neutrality in cases that "relate to the determining of any approval, consent, licence, permission or registration....". It is clear that a chairman of a Planning Committee who has a concern for the financial benefit of a party involved in a planning decision is conflicted and cannot be regarded as a neutral party. This is the basis of my complaint.

Councillor's Galvin's argument for not recusing himself from the 7th April Planning meeting was that as a Governor he was not in a position to influence the decisions of the York Hospital estates department. That was not the point at issue. He was in a position as chairman of the Committee to ensure that the hospital could sell Groves Chapel to the highest bidder and his actions at the meeting were such as to further that objective. My purpose in making this complaint is to register a conviction that a planning decision was made by a flawed process. My hope is that this complaint will be upheld and that the decision in favour of the applicants S. Harrison and Sainsbury will be quashed. Should the Council decide to allow this decision to stand legal action in the High Court to quash the planning decision on these and other grounds is contemplated. A legal team has been appointed to pursue this aim.

Regards

Michael Askew

Monitoring Officer
City of York Council
York
0645 051 2100

From: Docherty, Andrew [<mailto:andrew.docherty@york.gov.uk>]
Sent: 14 April 2016 16:28
To: Michael Askew <michael.askew@york.gov.uk>
Subject: RE: Complaint form

Dear Mr. Askew,

Thank you for your e-mail which I have been reviewing with the independent persons who advise the Council on standards issues. I have been asked whether you are able to elaborate on your assertion that, as a Governor of the Trust, Cllr Galvin has a duty to strengthen the hospital finances. I should be grateful for any further information you are able to provide in support of this.

Regards,

Andy Docherty | Assistant Director
t: 01904 551004 | e: andrew.docherty@york.gov.uk

City of York Council | Customer and Business Support Services
West Offices | Station Rise | York YO1 6GA
www.york.gov.uk | [facebook.com/cityofyork](https://www.facebook.com/cityofyork) | [@CityofYork](https://twitter.com/CityofYork)

From: Michael Askew
Sent: 11 April 2016 16:58
To: monitoringofficer@york.gov.uk