

**AGENDA ITEM NO.8**

**CONDUCT COMMITTEE**

**Date**            **7 MARCH 2013**

**Title**            **MEMBER CONDUCT COMPLAINT – COUNCILLOR JOLLEY**

**1. PURPOSE/SUMMARY**

To consider a complaint under the member code of Conduct against Councillor Jolley of Fenland District Council.

**2. KEY ISSUES**

- A complaint has been raised by Ms Dent of ICIS Consulting agents for Harrier Developments Limited an applicant in respect of a planning application about the Conduct of Councillor Jolley.
- Councillor Jolley has been offered the opportunity to provide an initial written response to the complaint; this is attached.
- The Conduct Committee is asked to consider the complaint and determine if it discloses a likely breach of the member code of conduct.

**3. RECOMMENDATION(S)**

Members consider the complaint and response and determine the initial consideration of the complaint.

<b>Wards Affected</b>	All
<b>Forward Plan Reference No.</b> (if applicable)	NA
<b>Portfolio Holder(s)</b>	
<b>Report Originator</b>	Ian Hunt, Chief Solicitor
<b>Contact Officer(s)</b>	Alan Pain, Corporate Director and Monitoring Officer Ian Hunt, Chief Solicitor and Deputy Monitoring Officer
<b>Background Paper(s)</b>	

## **1. BACKGROUND/INTRODUCTION**

On the 24 September correspondence was raised with the Council by Ms Dent agent for Harrier Developments citing concerns about potential business relationships between Councillor Jolley and an applicant for an adjoining planning application site. It was not considered that this letter constituted a complaint; merely information.

On the 18 October a subsequent letter was received from Ms Dent formalising the complaint and requesting that the matter be considered as a conduct matter. Both letters are included for members attention.

Councillor Jolley was given the opportunity to respond to the complaint and a copy of this response is attached.

On the 18 October supplementary information was provided by Ms Dent a copy of this is attached and Councillor Jolley was asked for his further comments these are also attached.

## **2. CONSIDERATIONS**

Members must consider the complaint against the member code of conduct.

Members must consider whether or not there is a reasonable prospect of the complaint being proven based on the information held. In considering this members are to be aware of the fact that should an investigation occur further evidence or detail can be sought.

Members are advised that where a complaint contains a number of elements they may chose to consider each element separately or take the whole complaint together.

Where members consider that there is a reasonable prospect that a breach of the code of conduct has occurred they should give consideration as to whether or not there should be an investigation of the complaint. Members should consider the following points in determining whether an investigation should occur:

- Has the Complaint already been investigated, or is it already the subject of investigation?
- Is the Complaint more appropriately dealt with through another regulatory channel?
- Is the complaint about something which happened so long ago that there would be little benefit in taking action now?
- Is the complaint too trivial to warrant further action?
- Does the compliant appear to be malicious or simply tit for tat?

Where members consider that an investigation is appropriate the Monitoring Officer will be asked to make suitable arrangements for such an investigation. Members are asked to give any particular comments on the scope or direction of the investigation.

If members do not consider that there is a potential breach of the code of conduct or that there is no reasonable prospect of any breach being disclosed or that the complaint does not merit further investigation then no further action is taken in respect of the complaint save for notifying the member and the complainant.



icis675366

**Our Reference:** icis675366  
**Your Reference**

Date: 18 October 2012

3Cs Manager  
Fenland District Council  
Fenland Hall  
County Road  
March  
Cambridgeshire  
PE15 8NQ



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Dear Sirs

### **FORMAL COMPLAINT**

We refer to our letter to Ian Hunt of 24<sup>th</sup> September (enclosed) within which we brought to your Council's attention the existence of a business relationship between Councillor Jolley and Bruce Smith of Whitacre Management Limited.

We wish to request a formal review of the conduct of Councillor Jolley in respect of his business connections with Bruce Smith, especially in regard to the Whittlesey supermarket applications. We feel that Councillor Jolley's full motives have not been openly displayed. We would also like you to investigate whether Councillor Jolley has exerted undue influence on his fellow Councillors in connection with the Whittlesey supermarket applications. Should it be required we can produce evidence of the past connection between Councillor Jolley and Bruce Smith.

We should be grateful to be informed of the procedure that will now follow.

Yours sincerely

*Liz Dent*

**ICIS** consulting limited

CC. Ian Hunt – Chief Solicitor Fenland District Council



Our Reference HDL/Eastrdwhit96988  
Your Reference

**Ian Hunt**  
**Chief Solicitor**  
**Fenland District Council**  
Fenland Hall  
County Road  
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24 September 2012

Dear Mr Hunt

**EASTREA ROAD WHITTLESEY APPLICATION F/YR11/0482/F**

Please accept this letter as independent from the letter we have written to you earlier today on behalf of Harrier Developments.

If, as reported in the press, a Cabinet meeting is to be held on Tuesday 25 September to discuss the allegations reported to have been raised by SNR Denton in relation to the Planning Committee meeting of 19<sup>th</sup> September, we wish to express our concerns to the appropriateness of Councillor Jolley attending and participating in such meeting, as we feel that he cannot be viewed as an impartial observer.

We do feel it appropriate to highlight that Councillor Jolley is known to us as a business associate of Mr Bruce Smith of Whitacre Management, the applicant of the business park application on Eastrea Road Whittlesey and the option holder and promoter of the adjacent land for which Sainsbury's have submitted their application.

We acted for Harrier in acquiring the land interests for the site at Fenland Way Chatteris for which Harrier have planning permission for a Tesco Store and a Travis Perkins builders merchant. One of the landowners with whom Harrier acquired a land interest from was Mr Stephen James. During my dealings with Mr James in early 2011, Mr Smith and Councillor Jolley, acting in partnership with Mr Smith, both made direct approaches to Mr James to attempt to acquire Mr James' land. Mr James is willing to verify this. I further understand that both Mr Smith and Councillor Jolley, acting together, put forward business proposals to Chatteris Town Cricket Club to develop their existing site.

This letter is not meant in any other sense other than to bring awareness to your Council of the business relationship held in 2011 between Mr Smith and Councillor Jolley. Whilst we are unaware if Councillor Jolley's business relationship includes the proposals at Whittlesey, it is the case that they were business associates in relation to the land at Chatteris in 2011.

We hope that your Council will take these matters into consideration.

Yours sincerely

*Liz Dent*

**ICIS** CONSULTING LTD

CC. Paul Medd – Chief Executive, Councillor Alan Melton – Leader, Rory McKenna – Legal Services, Graham Nourse Chief Planning Officer, Alan Pain – Corporate Director.

Email 19/10/2012 09:42  
From Councillor Jolley  
Re: FW: Formal Complaint

Dear Ian

Re: Formal Complaint

I can confirm that I have had no business relationship with Whitacre Management Ltd. whatsoever.

I have never exerted any undue influence on fellow Councillors in connection with the Whittlesey supermarket applications.

I have known both applicants for a number of years and have had no dealings with these planning applications as I regarded both as friends.

I am sure Graham Nourse will confirm that I have never spoken to him or any other planning officer about these applications.

Councillor Melton can assure you I have had no input on decision making at Cabinet as I have only been to one Cabinet meeting.

Regards

Paul Jolley



icis675366

**Our Reference: ICIS675366**  
**Your Reference**

Date: 24 October 2012

3Cs Manager  
Ian Hunt- Chief Solicitor  
**Fenland District Council**  
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Dear Sirs

**[Sent by Email]**

### **FORMAL COMPLAINT**

I refer to our previous letters to your Council dated the 24<sup>th</sup> September 2012 and 18<sup>th</sup> October 2012 in regard to the conduct of Councillor Jolley.

A formal complaint was made on 18<sup>th</sup> October 2012. We now attach a letter from Mr Stephen James of Chatteris in respect of our formal complaint.

The letter from Mr James confirms unequivocally that Councillor Jolley and Mr Bruce Smith of Whitacre Management are business associates. We, therefore, question whether this business relationship extends to the supermarket proposals at Whittlesey. The irrefutable presence of a business relationship between Councillor Jolley and Mr Smith clearly provides Councillor Jolley with a clear motive for possibly misleading the Council over the allegations supposedly made in relation to Councillor French and may also have a bearing on advice from your counsel.

It is our assumption that Councillor Jolley may have been improperly influenced by his relationship with Mr Smith when making such reported allegations against Councillor French after the 19<sup>th</sup> September Planning Committee where Councillor French voted in support of the motion to approve our client's application.

In conclusion we believe that Councillor Jolley's conduct could indeed be considered inappropriate for a Councillor.

Yours sincerely

*Liz Dent*

**ICIS** consulting limited

Enc.

# ALFRED JAMES INVESTMENTS

Ms Liz Dent  
ICIS Consulting Limited  
The Annexe  
Crossfields  
Days Lode Road  
Manea  
Cambs  
PE15 0HH

23<sup>rd</sup> October 2012

Dear Liz

**Land to the west of the A141 (Fenland Way), Chatteris**

*I would confirm that back in the early part of 2011 I was contracted by Councillor Jolley and Bruce Smith acting together with regard to acquiring an interest in the land owned by my brother and myself. It was purported that they had Sainsbury's who were interested in being represented in Chatteris.*

*It is the case that Councillor Jolley and Bruce Smith would have been aware of Harrier Developments Limited's interest in adjoining land, given that a planning permission had already been granted for a food store. The assumption that my brother and I came to was that the parties were jointly trying to thwart your development for a larger food store.*

*Considering this set of circumstances I told them that given the level of money being offered by your client and the closeness to concluding an option agreement with us, I mentioned that if they would purchase the land outright for £750,000 my brother and I would sell it to them. As suspected I never heard anything else from either of them.*

Yours sincerely



Mr S W James / M A James

Email 27/10/2012 08:23  
From Councillor Jolley  
Re: FW: Formal Complaint

Morning Ian

Thanks for your e-mail.

I will stand by my original statement.

- 1) At no time do I believe my conduct has been inappropriate as a Councillor.
- 2) I reported the telephone conversation between myself and Councillor Mrs French to the leader of FDC the day before the meeting and he advised me to contact you. I tried to contact yourself and Anna Goodall on the morning of the meeting and this was unsuccessful.
- 3) Please note I was not a Councillor when Alfred James Investments were contacted and they assumed I was working with Bruce Smith.
- 4) Mr. Sears of Harrier Developments and Liz Dent of ICIS are partners and have lived together a number of years. I believe they made contact with Councillor French and gave their side of the story which Councillor French acted on at the meeting.
- 5) Approximately 3 years ago Mr Sears came to my house and tried to borrow £40,000 ( forty thousand pounds). He also visited my home in School Lane earlier this year on two occasions for me to support him on his supermarket application. I made it quite clear I would not get involved, so as you can see I was close to both parties as I maintained in my original statement..

Hope this clears matters a little and I will have my say at the hearing.

Councillor Paul Jolley (Pop)