

FINAL REPORT

LOCAL INVESTIGATION COMPLAINT NO MC128

Report of a local investigation under Section 82A of the Local Government Act 2000 into allegations concerning Councillor John Ledger, a member of Ripple Parish Council.

W.D.Milne TD, LL.B, LARTPI
Solicitor

Investigating Officer
June 2014

CONTENTS

1. INTRODUCTION.....	3
2. METHODOLOGY.....	3
3. SUMMARY OF ALLEGATIONS AND RELEVANT PARTS OF THE CODE OF CONDUCT.....	4
4. THE LEGAL POSITION	4
5. EVIDENCE.....	6
6. CONCLUSION.....	8

APPENDICES

- (a) Agreed notes of interview of the Complainant - Mr Roger Chatfield, together with attachments A-E plus earlier supporting statement of 17.01.13.**
- (b) Agreed notes of interview of the Subject Member- John Ledger, together with a single attachment plus earlier letter statement of 01.02.13**
- (c) Agreed notes of interview [REDACTED] - Councillor Daphne Lee.**
- (d) Minutes of Ripple Parish Council meeting of 13.12.12 (first item relates to the private meeting)**
- (e) Ripple Parish Council / Kent Code of Conduct for Members.**

1. INTRODUCTION

1.1 The matter was first considered by Local Assessment on 30th May 2013 and a Decision Notice was issued on 6th June 2013. The result of the initial assessment was that having consulted and taken into account the views of the Independent Person, the Monitoring Officer decided to refer the complaint for investigation. In due course I was appointed by the Monitoring Officer to carry out the investigation. I am the former head of Legal services for Swale Borough Council and before my retirement from full time work had been in Local Government service for 35 years. I accordingly have considerable experience of Monitoring Officer / Standards Issues and in the last three years or so have been appointed as Investigating Officer in 22 similar Standards investigations. At the start of the investigation the Monitoring Officer supplied me with a copy of the Decision Notice reference MC128 together with a number of background papers including the original complaint.

2. METHODOLOGY

2.1 In addition to considering the information specified above interviews were carried out with the Complainant and the Subject Member, together with Parish Councillor Daphne Lee, and after each interview a note of interview was prepared by myself as Investigating Officer and sent to the interviewees for consideration and comment. A fact-finding interview was also carried out with Mrs Kathleen Hastilow, the Parish Clerk of Ripple Parish Council in order to provide factual evidence and background information.

2.2 In addition to this, at the request of the Complainant, two earlier Complainants, namely Mr Christian Mace and Ms Susan Williams, whose complaints had been timed barred, were also contacted and offered the opportunity of being interviewed with regard to the current complaint. Following on from this a telephone interview was carried out with Ms Williams, but no response was received from the other earlier Complainant. The complaint forms and other information forming the basis of the original complaints have, however, been taken into account in dealing with this matter. A telephone interview was also carried out with Councillor Steve Manion who was present at the meeting on 13th December 2012.

2.3 The agreed notes and documents referred to therein are attached to this report and were used with all the written material to assist in completing a final report and reaching a conclusion. All the appended material should be read in conjunction with the report.

3. SUMMARY OF ALLEGATIONS AND RELEVANT PARTS OF THE CODE OF CONDUCT.

3.1 The general summary of complaint in Decision Notice MC128 states that a private meeting of Ripple Parish Council was held at the home of the Subject Member on 13th December 2012 and the matter under discussion related to a piece of land that Councillor Ledger had a potential Disclosable Pecuniary Interest in arising from his ownership of land affected by an application for Village Green registration at Coldblow Woods. It was further alleged that at a public meeting of Ripple Parish Council held later that night on 13th December 2012, Councillor ledger told a member of the public to “shut up and sit down”. Although the Complainant did not directly identify which paragraph(s) of the Code of Conduct were alleged to have been breached, the Monitoring Officer suggested the following paragraph(s) of the 2012 Code of Conduct.

- Paragraph 3(2)(f) You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Authority into disrepute.
- Paragraph 3(2)(g) You must not use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.
- Paragraph 5(2)(c) Where you are present at a Meeting and have a Disclosable Pecuniary Interest or Other Significant Interest in any matter to be considered, or being considered, at the Meeting, you must not participate in any discussion of, or vote taken on, the matter of the Meeting.
- Paragraph 5(2)(d) Where you are present at a Meeting and have a Disclosable Pecuniary Interest or Other Significant Interest in any matter to be considered, or being considered, at the Meeting, you must withdraw from the Meeting room in accordance with the Authority’s Procedure Rules whenever it becomes apparent that the business is being considered.

4. THE LEGAL POSITION

4.1 The current Standards regime was created under the provisions of the Localism Act 2011 and is contained within the provisions of the Ripple Parish Council / Kent Code of Conduct for Members as adopted by Ripple Parish Council. The previous Standards regime had the benefit of guidance drafted by the previous Standards Board for England in May 2007, some of which may assist in reaching a decision in the current case.

4.2 Paragraph 3.2(f) is more widely drafted than under the previous code, but the former guidance made the salient point with regard to the question of disrepute,

making it clear that “as a Member, your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public”. It went on to state that “you should be aware that your actions might have an adverse impact on your office or your authority.”

4.3 Similarly with regard to paragraph 3.2(g) of the current Code the guidance contained advise regarding using your position as a Member improperly. The guidance stated that “you must not use, or attempt to use, your position improperly to the advantage or disadvantage of yourself or anyone else. It went on to say you should not use, or attempt to use, your public office either for your or anybody else’s personal gain or loss. For example your behaviour would be improper if you sought to further your own private interests through your position as a member.”

4.4 A copy of the said Ripple Parish Council / Kent Code of Conduct for Members is appended to this report and contains definitions of the terms Disclosable Pecuniary Interest (DPI) and Other Significant Interest (OSI) in the interpretation section on page 14. The term DPI is expanded upon in annex 2 to the Code where the prescribed regulations are explained in more detail. The interpretation section also makes it clear that the term “interests” means both DPIs and OSIs.

4.5 The test for an OSI relating to the perception of members of the public is remarkably similar to a test applicable to the previous prejudicial interest definition under the old Standards regime. In this respect the May 2007 guidance produced by the previous Standards Board may be germane to the current case.

4.6 That guidance states, “if a reasonable member of the public with knowledge of all the relevant facts would think that your judgement of the public interest might be prejudiced, then you have an interest.

4.7 You must ask yourself whether a member of the public – if he or she knew all the relevant facts – would think that your interest..... was so significant that it would be likely to prejudice your judgement. In other words, the interest must be perceived as likely to harm or impair your ability to judge the public interest.

4.8 The mere existence of local knowledge, or connections within the local community, will not normally be sufficient to meet the test. There must be some factor that might positively harm your ability to judge the public interest objectively. The nature of the matter is also important, including whether a large number of people are equally affected by it or whether you or a small group are particularly affected.

4.9 Some general principles must be remembered when applying the test. You should clearly act in the public interest and not in the interests of family or close associates. You are a custodian of the public purse and the public interest and your behaviour and decisions should reflect this responsibility”.

4.10 Outside of this guidance it is clear that each case must be decided on its merits after considering all the circumstances.

5. EVIDENCE.

5.1 This investigation and that relating to the other Subject member from Ripple Parish Council, both relate to the same factual situation and have created a significant amount of written information from various sources, all of which has been taken into account in reaching a conclusion. Two allegations relate to the Subject Member of this investigation, namely the holding of a private meeting by the Parish Council and the potential non-disclosure of a DPI and behaviour at the following public meeting and the shut up incident in particular. Both incidents took place on 13th December 2012 and will be examined separately.

5.2 Parish Councils have power under the provisions of the Public Body (Admission to Meetings) Act 1960 to exclude the public from meetings whenever publicity would be prejudicial to the public interest, because of the confidential nature of the business or for other special reasons stated in the resolution excluding the public and arising from the nature of the business. In this case according to the Parish Clerk and as indicated in the minutes that power was invoked with regard to the informal meeting with Mr Fielding which took place in Councillor Ledger's kitchen at 7pm on Thursday 13th December 2012. The minutes, which are attached to this report, make it clear that in accordance with Standing Order 14, the public and press were excluded from an informal pre meeting of the Parish Councillors with the owner of Coldblow, in view of the special nature of the business to be discussed. It goes on to say that due to various articles in the local press, Councillors wished to hear first hand the owner's proposal for the land. Hence regardless of any other factors which might have militated in favour of a more open approach the Parish Council were justified in law in holding the private pre meeting for the reasons covered by the legislation.

5.3 Similarly it should be noted that Parish Councils have a wide discretion with regard to choice of venue for a meeting. The general rule is that meetings shall be held at a place, date and time fixed by the Council. The only caveat is that meetings shall not be held at premises being used at the time for the supply of alcohol as permitted by the Licensing Act 2003 unless no other suitable room is available free of charge or at a reasonable cost. Hence although holding a private meeting in a senior Member's kitchen may be undesirable inter alia from the perspective of perceived transparency, it is not as such outside of the rules governing Parish Councils.

5.4 It is now clear from the notes of interview and from the Parish Clerk's recollection that the Subject Member did declare an interest at the private meeting, but did not leave the room. Councillor Ledger is quite clear that he was fully aware that he had a declarable interest and that he had to be careful how to handle the situation as a Parish Councillor. In view of this at the start of the unofficial or private meeting he raised his concerns with his fellow Councillors stating that he had an interest. He also asked if he ought to stay for the meeting with Mr Fielding (the owner of Coldblow) or whether he ought to leave the room. His fellow Parish Councillors were unanimous in agreeing that he ought to stay, making the point that it was not an official Parish Council meeting, but rather an informal fact finding exercise.

5.5 In his notes of interview the Subject member makes it clear that he has known Mr Fielding, who lives locally, for a number of years and is involved with him in regard

to some business activities and leisure pursuits. In particular the holding company for his farming business rents a small amount of land from Mr Fielding and he has shared a small shoot with him for the last six years.

5.6 The Subject Member accepts that he had a DPI in that he owns, through various companies, much land adjoining the Coldblow Wood site as is indicated on a drawing appended to this report which shows his land ownership marked with the letter L.

5.7 It is accordingly submitted that Councillor Ledger was right to declare an interest and ought to have followed this through by leaving the informal meeting while the matter was being discussed. The term DPI is now very tightly defined as can be seen from section 4 above and in my view the type of interest that he declared would fall more clearly into the designation of Other Significant Interest (OSI) and would clearly be seen to do so if analysed from the perspective of the public knowledge test. Similarly he should have left the formal meeting when Coldblow was discussed in the public question time section of the meeting and not taken part in the discussion, even though he felt he had useful information to impart. The Complainant and many of the other correspondents in this case have made the point clearly.

5.8 Mr Christian Mace in an earlier time barred complaint form states “I find it shocking that the Council refused to discuss the issues surrounding Coldblow with the general public, and did not seek the views of those they have been elected to represent, but deemed it appropriate to hold a private meeting with the landowner. This shows a very clear bias in the Council’s approach to Coldblow and a complete lack of interest in consulting with local residents on the issues.”

5.9 With regard to the second incident complained of it is clear that Councillor Ledger declared an interest at the formal meeting on 13th December 2012, but that the meeting attracted considerable attention and a large number of would be complainants and was lengthy and generally difficult to handle. It is submitted that on reviewing the evidence the facts that took place at the meeting are relatively clear and not disputed and that the only divergence takes place with regard to interpretation.

5.10 In his notes of evidence the Subject Member makes it clear that one of the key protestors kept talking even when he was trying to answer. In his view she interrupted once too often and he responded saying “sit down and shut up”. This was a spontaneous reaction brought about by his sheer exasperation at trying to get a word in edgeways. As soon as he had said the offending phrase he realised that he had overstepped the mark and immediately apologised to the Chairman for his actions. After the meeting he spoke to the lady in question and apologised to her and was told by her not to worry about the exchange.

5.11 This view was largely corroborated by the Chairman, Councillor Daphne Lee, in her notes of interview and to my mind should be treated as part of the rough and tumble of politics and not as a breach of the Code.

6. CONCLUSION

6.1 It is submitted that the paragraphs of the Code of Conduct, suggested by the Monitoring Officer as those suitable for examination regarding any potential breach and noted in full in paragraph 3.2 above, are the correct paragraphs and each will be dealt with in turn.

6.2 As is made clear in the evidence section it is not my view that there has been any breach of paragraph 3(2)(f) as the Subject Member's actions at the public meeting on 13.12.12 could not reasonably be regarded as bringing his office or the authority into disrepute. As soon as he said the words "sit down and shut up" he apologised to the Chairman for his actions and followed this after the meeting with an apology to the lady in question who told him not to worry about the exchange. It is also clear that the person who was the subject of the shut up incident has not made a complaint in her own right and hence did not see fit to take the matter further.

6.3 With regard to the wider context it is submitted that the events leading up to the Council meeting on 13rd December 2012, namely the private meeting and the choice of venue, although perhaps demonstrating questionable judgement did not in themselves amount to a breach of paragraph 3(2)(f). This is because the choice of venue and decision to hold the meeting in private were both within the powers of a Parish Council (see paragraph 5.2 and 5.3 above) and could not therefore be said to amount to conduct which could reasonably be regarded as bringing the Subject Member's office or authority into disrepute.

6.4 With regards to paragraph 5(2)(c) and (d) it is clear to me that although the Subject Member appears to have declared an interest and not taken part in the discussion at the private meeting he should have taken the further step and withdrawn from the meeting, particularly given his close association with the owner of Coldblow. Similarly having declared an interest at the official Council meeting on the same day he should have withdrawn from the meeting when the matter was discussed and taken no part in the proceedings. In such circumstances his mere presence at the meeting could have influenced proceedings. Hence in this instance it is submitted that there has been a clear breach of the Members Code of Conduct.

6.5 In considering the matter, certain factors must be taken into account in mitigation. These are that no decision relating to the site was reached at the informal meeting nor has any decision ever been made at any later Council meeting. The parish Council in effect has chosen not to become involved with either the promotion of the cricket club or the Village Green application. It has in effect sat on the fence. This coupled with the fact that the Subject Member accepts that he had a declarable interest also indicates to me that there has been no breach of paragraph 3(2)(g) of the Code as no advantage or disadvantage has been created for himself or any other person.

6.6 No doubt in the future, however, those who have been the subject of this investigation will consider more carefully the merits of holding private meetings on controversial matters at less than neutral venues and of making every effort to declare

DPIs and OSIs at the earliest opportunity and withdrawing from proceedings immediately.

W D Milne
Solicitor
June 2014

Local Investigation – Interview with Mr. Roger Chatfield, a former member of Ripple Parish Council and Complainant, held at Dover District Council Offices, White Cliffs Business Park Dover, Kent CT16 3 PJ on Wednesday 11th September 2013 between 11.00 and 12.30 hours.

1. At the start of the interview I referred to the Decision Notice of the Monitoring Officer of Dover District Council dated 6th June 2013 and confirmed that you were in possession of a copy. In order to clarify the situation the complaint summary was read to you in its entirety. In addition to that information reference was also made to the detailed report prepared for the Monitoring Officer / Independent Member.

2. You confirmed that you are a former member of Ripple Parish Council, having served as a Councillor for a period of approximately four years prior to your resignation on 20th March 2013.

3. At the start of the interview you provided me with additional information in the form of a chronology of events prepared by yourself together with four further attachments. The attachments consisted of the following documents:

- (a) Email exchange with the Ripple Parish Clerk relating to events following the unofficial meeting (see paragraph in chronology dated 02/01/13).
- (b) Email from Parish Clerk of 07/01/13 enclosing a copy email from Nicholas Fielding of 28/12/12
- (c) Detailed letter of resignation from Ripple Parish Council of 20/03/13
- (d) Site plan relating to the Village Green application.
- (e) Ariel photograph of the application site taken from Google Earth.

4. In view of the fact that the full details of your complaint about both Parish Councillors is set out in your original document entitled "Supporting Statement and Witnesses Concerning Complaint Regarding Ripple Parish Cllrs John Ledger and [REDACTED]" dated 17th January 2013, as supplemented by the chronology and attachments specified above, it was decided that these notes would only contain any additional information emerging from the interview.

5. The two elements of the complaint relate to non-declaration of interest with regard to the unofficial meeting on 13. 12. 12 and the "shut up" incident which took place during the official meeting. You wish to make it clear that the unofficial or private meeting was referred to on the agenda as a closed meeting and took place immediately before the official meeting of the Parish Council on 13th December 2012. You were originally invited to that closed meeting but declined to attend as you felt that you had a declarable interest and should not speak or vote on the matter. The venue for the closed meeting was changed shortly before it took place and you were not aware of that change until after the meeting. In any event you would not have attended for the reasons specified.

6. It was only in November 2012 that you realised the Subject Member, Councillor Ledger, was associated with the ownership of the northern part of the Village Green application site. You carried out a land registry search, which showed that ownership was in the hands of Ripple Farms Ltd of Little Mongeham, which appeared to be a separate legal body from Ledger Farms Ltd of Chapple Lane Ripple.

7. The Land Registry search showed that ownership of the northern plot of land was in the hands of Ripple Farm, whose postcode was given as CT14 0HR (Willow Road, Little Mongeham), whereas Cllr Ledger's house and company, outside of which is a sign "Ledger Farms Ltd", has a postcode of CT14 8JQ in Chapel Lane, Ripple. You had therefore wrongly assumed that it was Cllr Ledger's brother, not Cllr Ledger, who was the owner of the land.

8. You wish to make it clear that you first heard the Subject Member declare an interest and that the first minuted declaration of interest made by the Subject Member was that made in the open session of the public meeting on 13th December 2012. Similarly you recall that when Mr. Fielding's planning application to erect or repair fencing around the whole of his plot of land (site A on attachment (d) referred to in paragraph 3 above hereinafter referred to as the map) was discussed on 14th February 2013, the Subject Member did not declare an interest and voted on the planning application.

9. At that meeting you declared an interest and left the room but the Subject member did not. Your absence left three Councillors, the minimum required for a quorum, and you understand that the Subject Member participated fully in the discussion and voted on the matter. As explained local residents walk through the Subject Member's land (Site B on the map) to access the southern plot (Site A), the land which was the subject of the planning application. Fencing around Site A would have prevented access to that piece of land and such denial of access would consequently have had a significant deterrent effect upon the usage of Cllr Ledger's land. Cllr Ledger had declared a discretionary pecuniary interest in Coldblow at the December Parish Council meeting and the extent of his involvement with Mr. Fielding and the ploughing of Mr. Fielding's meadow had become apparent during that meeting. Despite this the Chair did not question his participation in discussing and voting on Mr. Fielding's planning application at the February meeting. The March minutes show that Cllr Ledger justified his participation in the discussion and voting on the planning application by claiming that he had "no connection with the field at Coldblow and therefore no interest needed to be declared." This denial of a connection with Site A is contradicted by the events during the December meeting and by Cllr Ledger's Statutory Declaration in objection to the village green application appended hereto.

10. With regard to the "shut up" incident you recall the mood of the meeting was very tense as the southern half of the site had recently be ploughed and members of the public were expecting to be able to put questions to Mr. Fielding about the

matter. About thirty members of the public attended the open Council meeting but Mr. Fielding, did not attend. The Chair informed the meeting that she could not speak about the matter due to the Village Green application. In your view the Subject Member, Councillor Ledger, acted in an intimidating and bullying manner and was very curt with a lady who tried to raise the issue, telling her to "shut up" in no uncertain terms.

11. The "shut up" incident also concerned the complaint against Councillor Lee who is the other Subject Member in this matter. As stated about thirty members of the public attended the meeting rather than the usual four or five and all were expecting to speak to Mr. Fielding about the plowing incident. A member of the public had created a Facebook entry alerting others to Mr. Fielding's forthcoming address to Ripple P C.

12. At the start of the meeting you recall Councillor Lee saying to your wife words to the effect that "you have a Facebook page (on the village green application) haven't you" in what seemed to be an aggressive manner. You explained that a Facebook page did indeed exist with regard to Coldblow woods/Village Green application site but that it was not set up by yourselves and was controlled by others. Subsequently you contacted those running the page who agreed to your wife having some editorial control.

13. As stated previously the meeting was very tense, as people were expecting to go into detail regarding the proposals for the wood area. Instead of that they were told nothing and you felt that the two Subject Members acted in an aggressive manner towards the public rather than the other way round. As specified the public were told that they could not discuss the matter because it was subject to a Village Green application, but you could not understand why that should be the case. When Councillor Ledger told the member of the public to shut up you felt that the Chairman, Councillor Lee, should have intervened, but instead she made no attempt to control the meeting. You spoke to the lady, who had been told to shut up, after the meeting and can confirm that she was very upset at receiving such treatment.

14. When the meeting started there were twelve items to be discussed before public question time. You recall that there was a gentle background murmur of people talking amongst themselves, but they fell silent when the Chair asked them to be quiet. Both Cllr Ledger and you had declared an interest in Coldblow at the beginning of the meeting. Although one of the items on the agenda was Coldblow the subject was dealt with briefly and without the public being able to participate. The Chair mentioned the closed session meeting held earlier and said she could not talk about the subject as a village green application had been lodged.

15. The public question time started with questions about the village. After these matters were dealt with the subject of Coldblow was raised by members of the public. The Chair was asked what had been said at the closed session meeting but she repeated that she could not talk about the subject as a village green application had been lodged. She was asked why she was able to talk to the

From: Kath Hastilow [REDACTED]
 To: John Gray [REDACTED]; John Ledger [REDACTED]; Roger Chatfield [REDACTED]; Steve.Manion@kent.gov.uk
 Sent: Monday, 7 January 2013, 15:53
 Subject: Fwd: Ripple Parish Council - village green application

FYI

----- Forwarded message -----

From: Kath Hastilow [REDACTED]
 Date: Mon, Jan 7, 2013 at 10:52 AM
 Subject: Fwd: Ripple Parish Council - village green application
 To: Daphne Lee [REDACTED]

----- Forwarded message -----

From: Clive Powell [REDACTED]
 Date: Mon, Jan 7, 2013 at 10:00 AM
 Subject: RE: Ripple Parish Council - village green application
 To: ripple.parishclerk [REDACTED]

Hi Kath

Thank you: my apologies for the delay: we are just catching up!

I think I would place my faith in the RCC contact whilst working local powerbases (like your MP and DDO): I think as it is private land (which is subject to planning law) you may well just have a watching brief: monitor events and report back to the concerned parties: members will need to be careful because of course IF it does progress to a Registration or it falls to your PC under Planning at some point then members must be aware of the Code of Conduct and also common law concerns like predetermination and fettering of discretion (making up your mind in advance and not being open to persuasion: enough to put someone out of a meeting in the future). In short: if your member becomes too involved at this stage and personally... he may be placing himself out of the loop come future issues when he may have a lot more power/influence (potentially to exercise). I think as the Clerk all you can do is point this out and suggest he has a chat with the Monitoring Officer. The first member sounds as if he may be moving into a significant other interest whilst the former member could have a DPI if the issue comes before the Council. In short: they do need to be careful!

It may be helpful if the Council puts the issue into committee to keep a watching brief/report and develop a strategy with perhaps a statement of where the Council stands: (something like the PC is concerned and will work hard to protect the land with the good will of the owner etc: i.e. conciliatory and positive) off the record and quietly whilst warning "loose" cannons that their actions could come back to haunt them if they become too involved as individuals... the poor behaviour you mention is another issue: remind them of the basic pre-amble to the code and the standards expected: if there are complaints on these lines then the complaint will fall to your Council to investigate: so do remind them of the high standard expected: you are a local authority of course and the standing of the PC is vital: you must as a body take back the initiative.

Kindest:

Clive

Clive Powell

*Local Councils Adviser
Kent Association of Local Councils*

All the latest news on our Learning and Development Programme: www.kentalc.gov.uk

From: KALC [mailto: [REDACTED]]
Sent: 07 January 2013 09:32
To: 'Clive Powell'
Subject: FW: Ripple Parish Council - village green application

From: Kath Hastlow [mailto: [REDACTED]]
Sent: 02 January 2013 15:41
To: KALC
Subject: Ripple Parish Council - village green application

Dear Laura and team

I would very much appreciate some advice please.

Within Ripple Parish boundary there is a piece of land known as Coldblow. It consists of a belt of woodland which I believe has a tree preservation order on it and also a large field which, before the Royal Marines left Deal, belonged to the Ministry of Defence, in fact the field was used by the Marines on a regular basis as a sports field.

The land was purchased from the MOD by a local resident and over the years (especially around 2000) there were various problems with burnt out vehicles and travellers using the land.

The land has now been sold to a local business man and he has upset many people by fencing off the land with barbed wire etc. claiming that he is going to turn the field back into a cricket field in the guise of Ringwould Cricket Club.

There is a major campaign on Facebook "Save Coldblow Woods" and there has been an application made to KCC to turn the area into village green status. KCC PROW officer Denise Roffey has also been involved as there are footpaths in the area.

All the above is not so much a problem for the Parish Councillors except that the campaign and the application has been made by one of our Councillors. This was done before the Parish Council had chance to really discuss the matter and consider whether or not we should make the application.

In December, the land owner ploughed up the field, early one Sunday morning and at our December meeting several protestors turned up demanding to know what we, the Parish Council, were going to do about it!!

County Councillor Steve Manion was at our meeting and tried to explain that at the moment we are powerless to do anything. I did agree to try to arrange a meeting with the landowner and several protestors and I believe there is a meeting on 25 January where MP Charlie Elphick is involved.

My main concern however is that the Councillor has involved himself (as a MOP and under the pretence that it was his wife that was doing it) in the application, also the area of the application includes another belt of woodland owned by a second Councillor who is a local farmer. This is making it very difficult for discussions to take place and passing on of information - do I include him in correspondence re this subject or not?

I understand the councillor in question has been quite rude to local residents on occasion (although no complaints have been received officially) and the landowner is taking action against him and his wife for remarks made on Facebook. The landowner is a corporate lawyer!

I have contacted KCC to ask whether the landowner is allowed to carry out works to the land as many protestors maintained he was breaking the law.

Sorry to give you so much information but thought you might need some background info.

Any advice on how to deal with the situation would be welcome.

Kind regards Kath

Ripple Parish Clerk

PS Most of the protestors are not Ripple residents

From: ROGER CHATFIELD [REDACTED]
To: "adviser@kent.gov.uk" [REDACTED]
Cc: John Gray [REDACTED]; "John Ledger" [REDACTED];
"Steve.Manion@kent.gov.uk" <Steve.Manion@kent.gov.uk>; Kath Hastlow [REDACTED]
Sent: Tuesday, 8 January 2013, 10:33
Subject: Ripple Parish Council - Village Green Application

Dear Mr Powell,

You have recently had correspondence from the clerk to Ripple Parish Council. Regrettably I now find myself in the position where I am forced to defend my behaviour and reputation. I am the Ripple Parish Councillor who has lodged, as an MOP, the application to register Coldblow Sports Ground as a village green.

The clerk told you that I had made an application for village green registration before the Parish Council had had a chance to discuss the matter. My application was lodged on 28th November. In the minutes of the Parish Council meeting dated 8th November (ie virtually three weeks before the lodging of the application) it states "Cllr Chatfield declared an interest on the grounds his wife was involved in the Village Green application. A long and detailed discussion took place regarding the suggestion to apply for Village Green status for Coldblow....it was felt that if the new owner was to create the proposed cricket pitch/club on the land then the Parish Council would be in favour." Far from the Council not having had a chance to discuss the matter a long and detailed discussion had taken place.

Of the five councillors at the November meeting one was the farmer who owns the northern part of Coldblow. He and two of the other councillors expressed opposition to the idea of applying for village green status. The fourth councillor made no comment. I have spoken with members of the public present at the meeting and their opinion was also that the council as a whole was against the idea of registering the land as a village green.

One of the complications regarding the application is that the legislation will change imminently, with the Commons Act 2006, under which the application is made, being replaced by the more restrictive Growth and Infrastructure Bill. The barrister consulted and the Open Spaces Society both advised that the lodging of the application could not be delayed. However there is the facility for the Parish Council to request to take over the application and to become the applicant or to write to KCC in support of the application. To suggest that the Parish Council has been excluded from the application process or from supporting the application is factually wrong. The Open Spaces Society and KCC positively encourage the matter be discussed even after the application has been submitted.

Although the clerk has written to you to say "it was under the pretence that it was his wife that was doing it" my wife had had every intention of applying in her name. Any articles that appeared in the local press requesting witnesses gave my wife's name. After the November Parish Council meeting it became clear that the majority of the Parish Council had no interest in the village green application so I saw no conflict if I became the applicant. I have had 35 years of preparing statements for presentation to tribunals and appearing as witness so I felt more confident about the role than my wife. On 3rd December I emailed the clerk to advise her that I had served on both landowners notice of my intention to apply for registration of the land. At the Parish Council meeting on 13th December I formally declared an interest and announced I was now the applicant and I absented myself when the subject was raised.

The clerk has also said "I understand the councillor in question has been quite rude to local residents on occasion" yet she makes no attempt to justify this inflammatory statement. I have never been rude to anyone, either in my professional career as a law enforcer or in my private life. For many years I have been the Neighbourhood Watch Co-ordinator for the village and have been asked to become the Area Co-ordinator. In my role I have regular contact with the villagers who freely come to me with problems which I pass on to the police. You can understand that I am very upset at this damaging, unsubstantiated and potentially libellous statement from the clerk. She also says that the landowner of the southern plot is taking legal action against us for comments made on facebook. The facebook page was established by a member of the public we do not know and have never met. My wife is a member of that page; I am not. Our letters to the landowner were and the comments on the facebook page are regularly scrutinised by a partner in a London law firm (our son) to ensure that the contents are not actionable.

What the clerk failed to mention in her email to you is that the landowner was invited to attend a closed session of Ripple Parish Council at 7pm on Thursday 13th December to discuss Coldblow. This meeting was immediately prior to the Annual Parish Council Meeting and the Ordinary Parish Council Meeting at 8pm and was included on the agenda. The meeting was originally scheduled to take place at the village hall, however it is my understanding that the closed meeting was held at the house and in the presence of the councillor who is the other landowner involved. I had declared an interest in my email of 3rd December and stated I would not be attending. In this email I had advised the clerk that the other councillor had a potential DPI.

What has exacerbated this matter is that a member of the public wrote to the clerk to ask for the intervention of the Parish Council regarding the damage being caused by the landowner at Coldblow. The clerk replied along the lines given to you – the council had not had chance to discuss whether or not to support or apply for village green status because the matter had been taken out of their hands by my lodging the application. The MOP had read the November minutes, available online, and was aware that there had been the long and detailed discussion of the subject. As the contents of the clerk's reply were contradicted by the minutes the MOP forwarded it to another of the village green supporters. The message was then sent on to me. I contacted the clerk and said I thought her reply was not factual and enquired who had authorised the reply on behalf of the council but have received no explanation.

While of course I have no problem with the Parish Council not supporting the village green application as it was a majority decision, I do have a problem with the public not being dealt with in a fair, open and honest manner. I realise this is a difficult situation as this matter also affects residents from outside the Parish, including the landowner of the southern plot. In addition I am involved in the village green application and another councillor has a DPI. I agree wholeheartedly with your suggestion and feel there is a real need for the Monitoring Officer to have a chat to ensure that the correct procedures are being followed by the clerk and by all councillors, me included.

I look forward to your thoughts.

Yours,

Roger Chatfield

From: Clive Powell [REDACTED]
To: 'ROGER CHATFIELD' [REDACTED]
Sent: Tuesday, 8 January 2013, 11:17
Subject: RE: Ripple Parish Council - Village Green Application

Dear Roger

Thank you. In the first instance I was of course dismayed to hear about the problems besetting the Parish and hope these issues will be resolved as soon as possible.

As you know we are a member organisation (it is the Council as a body that is in membership: not the Clerk or individual councillors) and it is our policy only to deal via the Clerk who is impartial. Consequently, having provided advice to the Proper Officer I cannot comment in detail on your submission as it would prove unhelpful. Needless to say, however, if you require further clarification or have any other issues that require formal/legal input then please do put these to your Clerk who is empowered to approach me if they cannot provide the answers you require. This route is similarly the approach to the NALC legal service based in London of which you are also members due to your membership of KALC.

I would also add that we are not a "policing body" and therefore have no role in modulating behaviour (individual or corporate) other than by providing our services and encouraging best practice (details of which are on our WWW and in our membership invitation issued every spring to potential member Councils in Kent).

I think from your point of view you may well wish to raise some of the issues with your Chairmen who may be able to advise you of your next course of action at the internal level. In terms of the Code of Conduct I have also suggested that you may wish to discuss with your Monitoring Officer to ensure that you are confident in your position: this does fall to you as a member.

I am sorry I cannot be of more assistance but as I say we are bound by our policy which I am sure you will appreciate.

Best wishes:

Clive
Clive Powell

Local Councils Adviser
Kent Association of Local Councils

[REDACTED]

From: Kath Hastilow [redacted]
To: John Gray [redacted]; John [redacted] Jedge [redacted] Roger Chatfield [redacted]; Steve.Manion@kent.gov.uk
Sent: Monday, 7 January 2013, 15:51
Subject: Fwd: Ringwoud Cricket Club - Coldblow Sports Ground

FYI
Kath

----- Forwarded message -----

From: Kath Hastilow [redacted]
Date: Mon, Dec 31, 2012 at 12:49 PM
Subject: Fwd: Ringwoud Cricket Club - Coldblow Sports Ground
To: Daphne Lee [redacted]

----- Forwarded message -----

From: Nicholas Fielding [redacted]
Date: Fri, Dec 28, 2012 at 7:07 PM
Subject: Ringwoud Cricket Club - Coldblow Sports Ground
To: [redacted]
Cc: Kath Hastilow [redacted]

Ms Pinkham

I understand from Kath Hastilow (Ripple Parish Clerk) that you would like to meet to discuss my plans for the reinstatement of the Coldblow Sports Ground to provide cricket and possibly football pitches for the use of our community.

As I have stated many times in recent months both in letters to the Mercury, in discussions with individual walkers, and when talking to the few people who came to the site when we started clearing and ploughing it, I will be very happy to talk to anyone interested in my project. I have also created 2 email addresses which flow through to me at any time - Secretary.RCC@tgc.eu and RCC@tgc.eu. Do get in touch with any comments you may have.

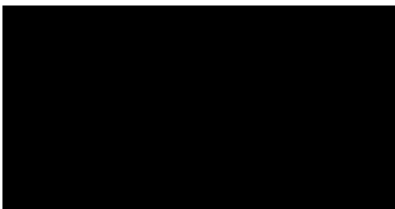
I believe that on Friday 25th January at 1630 UK time, our MP, Charlie Elphick, proposes to chair a meeting at which interested parties may hear from me, and I from them. I don't know the venue for this meeting but imagine Mr Elphick will publicize it in due course. I have been in correspondence with Dr Colin Skinner and have tried to answer fully all the questions he had. I understood that he was going to arrange a committee to enter into this dialogue.

I have recently received poisonous correspondence from Mr Roger Chatfield who appears to have filed a very destructive village green application but who professes to be acting alone with no knowledge of any other group involved. Certainly, the personal vilification of me on Mrs Jenny's Chatfield's disgraceful "Save Coldblow Woods" Facebook page demonstrates that she has no interest in any sort of dialogue but rather is pursuing some bogus class war (against our own community!). I cannot see any purpose in a discussion involving these people and have referred their activities to my lawyers.

I suggest that I answer any immediate questions you may have now, by email, and we may then meet if you think this would be useful. Certainly, we may meet at Mr Elphick's meeting, if we do not meet before.

Kind Regards

Nicholas Fielding (MA Cont'd) Solicitor
Senior Partner



This e-mail and any files transmitted with it are confidential and intended solely for the use of the individual or entity indicated above as addressee. If you have received this e-mail in error, please let us know by replying to the sender and immediately delete this e-mail from your system. We do not accept responsibility for the accuracy or completeness of this message, which has been transmitted over a public network and is therefore capable of being intercepted or amended.

[Redacted line of text]

[Redacted line of text]

[Redacted line of text]




Please consider the environment - do you really need to print this email?

Reference: ADM39 / 078372

T

20th March 2013

Councillor D Lee,


Dear Councillor Lee,

I wish to resign from Ripple Parish Council with immediate effect.

When I applied to become a councillor it was with the aspiration of representing and serving the local community. It is with the same sense of purpose that I am now involved in the village green application at Coldblow. Although I can accept that you are supporting the landowners I find your hostile attitude to members of our community and me completely unacceptable.

You are aware that I found the behaviour on 13th December of the Council towards the members of the public completely unacceptable and unwarranted. The aggressive conduct of the councillors supposedly appointed to represent them was commented upon by members of the public during and after the meeting. Unfortunately the comments, along with several other significant questions, were not minuted by the clerk who simply described the item as a "barrage of questions." However the December meeting is not an isolated instance and there are many I could cite where the public and their views are treated with disregard or hostility if they do not accord with yours.

On 2nd January the clerk wrote about me to Kent Association of Local Councils "...the Councillor has involved himself (as a MOP and under the pretence that it was his wife that was doing it) in the application... I understand the councillor in question has been quite rude to local residents on occasion (although no complaints have been received officially) and the landowner is taking action against him and his wife for remarks made on Facebook." These allegations are pernicious, have no basis in fact and, I am advised, are therefore libellous. In spite of this I tried to retain a working relationship with the Council as I wished to continue serving the public as a councillor. As I am now free of this constraint you should be under no illusion that, if any member of my family or I are subject to further instances of defamation, I shall not hesitate to take legal proceedings.

I believe that the rules of conduct regarding declaring pecuniary interest are not consistently applied or recorded. I requested that a councillor's interest in fracking and coal mining declared during the February meeting be recorded in the minutes. Despite this item being potentially of great interest and importance to the public, the clerk did not include this declaration in the minutes. According to the minutes Councillors who declare an interest in certain agenda items at one meeting do not declare the interest in the same matter at the next meeting. I have also

requested other items be recorded only to have the request ignored. I consider the minutes to be written in a subjective style, are selective, not impartial and therefore are not an accurate or detailed record of Council meetings.

In short my experience gained while serving on the Council is that the latter does not represent the views of those who live in or use the facilities in the Parish, is undemocratic to those members of public who take the time to attend meetings and that the way it conducts business is questionable. As the clerk now appears to be attempting to vilify me in Council correspondence and minutes I can see no alternative to resigning and disassociating myself completely from the Council in order to protect my name from further attempts at ridicule and damage.

Yours,

Roger Chatfield

J.
D.

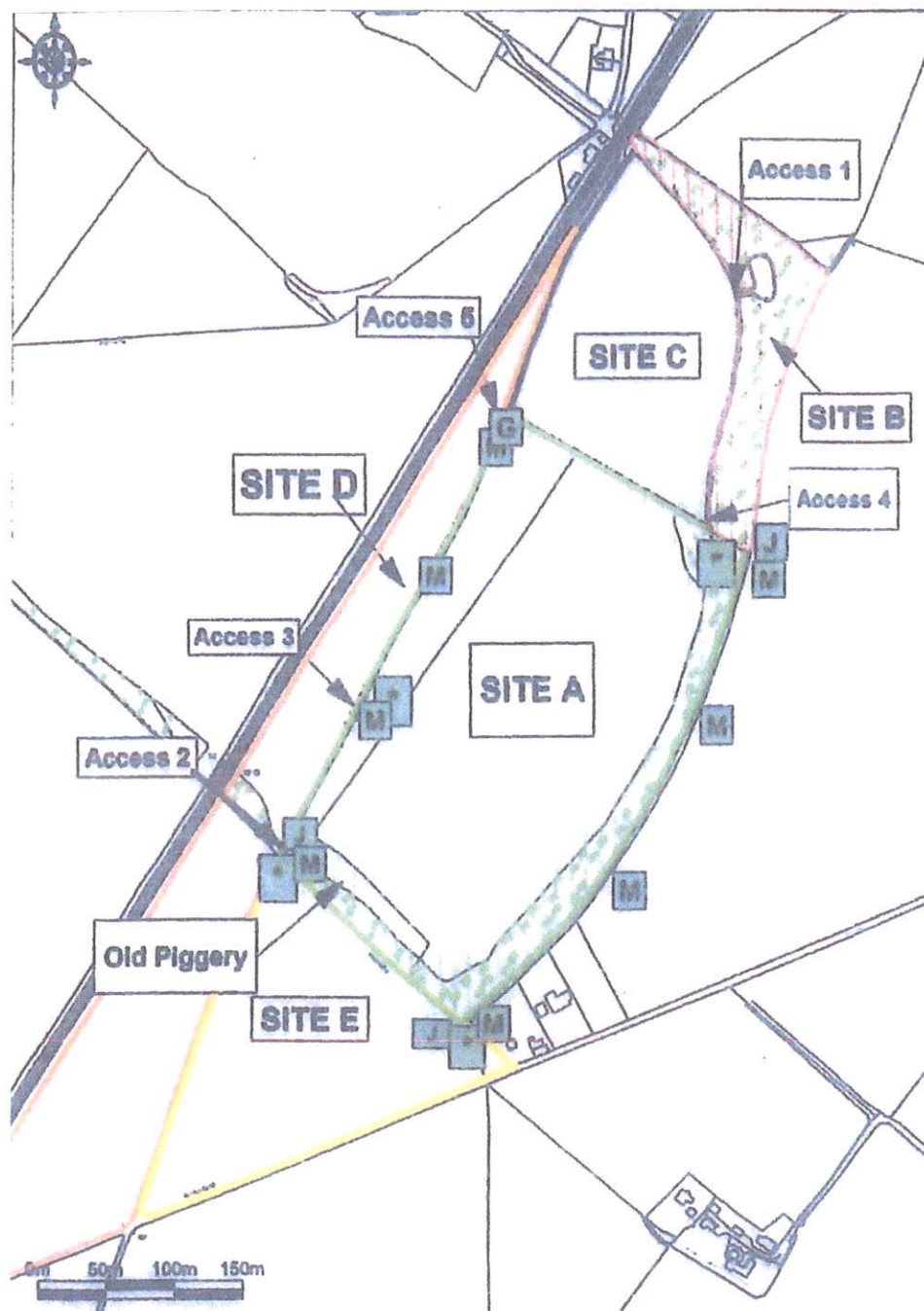
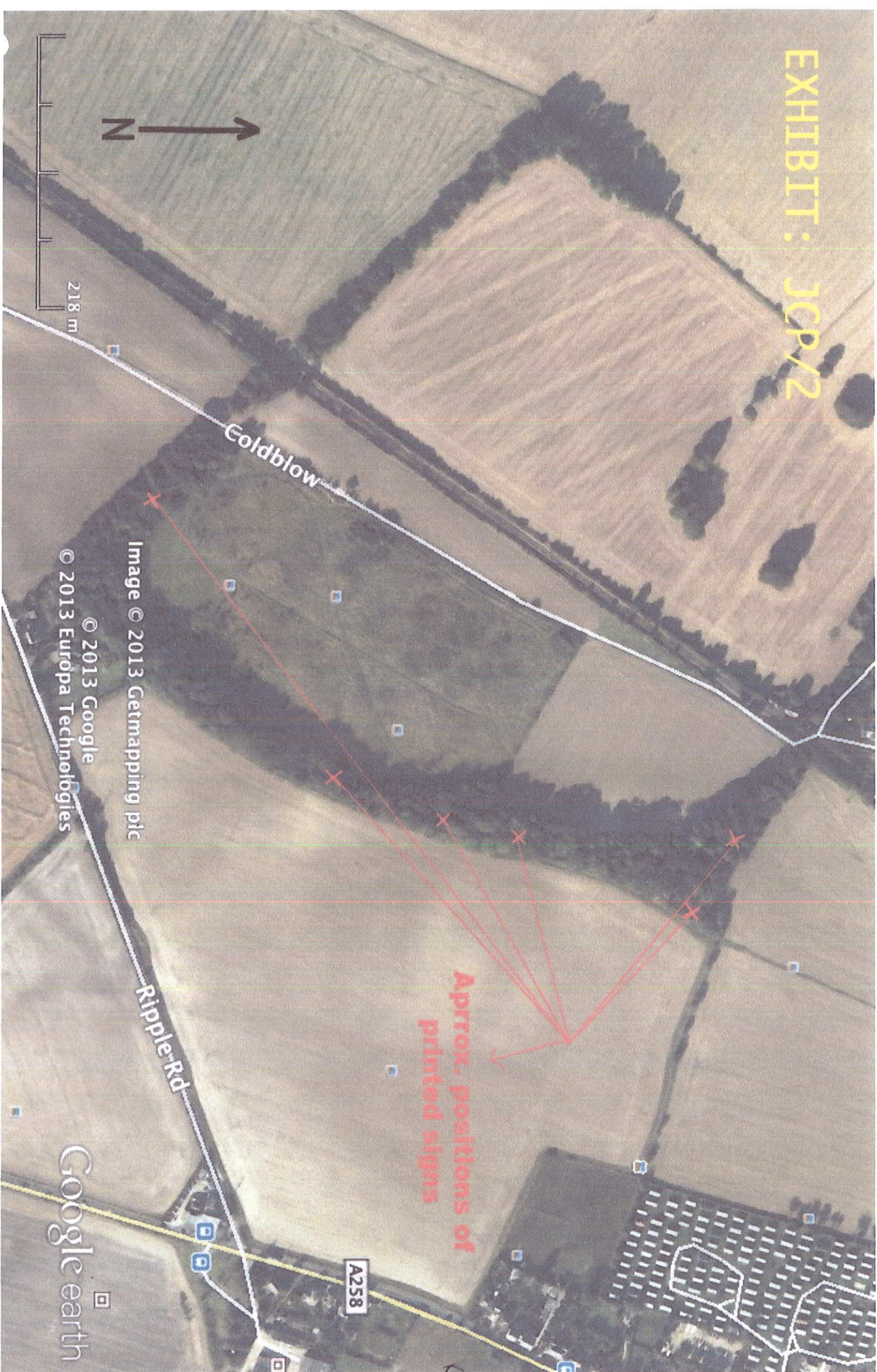


EXHIBIT: JCP/2



Approx. positions of
printed signs

Chronology

13 September Parish Council Meeting

Letter from Nicholas Fielding read out regarding his plans for Coldblow. I express concern about inappropriate use of barbed wire to exclude walkers.

11 October Parish Council Meeting

MOP raises subject of Coldblow and asks PC if it intends intervening. I declare interest as my wife is trying to organise the footpaths through Coldblow to be added to Definitive Map. Cllr Ledger not present at this meeting. Short discussion took place.

8 November Parish Council Meeting

Cllr Prior asks Cllr Ledger if the northern woodland is in his ownership as he received a complaint from a Walmer lady who was accosted by the landowner and was rudely told she was trespassing. Cllr Ledger confirms his ownership but does not declare a DPI (this conversation is not noted in minutes but the incident is referred to in the statement in objection to the VGA submitted by Mr Ledger). I declare interest as wife involved in applying for village green registration. Long and detailed discussion but 3 out of 5 councillors express opposition to VG registration (not noted in minutes but MOPs confirm) and say they would probably support landowner. Landowner, Nicholas Fielding, would be invited to address PC at private meeting.

3.12.12

I email clerk to advise that letter has been sent to Cllr John Ledger and to Mr Fielding to advise that VG registration application has been lodged, therefore I would not be attending Mr Fielding's address to PC. Email also advises clerk that Cllr Ledger has DPI.

By separate email I advise I would be attending PC meeting at normal time of 8pm.

Summons received to attend Parish Council Meeting at 8pm and to Meeting at 7pm with Mr Fielding.

Agenda for PC meeting shows that the Annual and Ordinary Parish Council Meeting is to take place at 8pm with a Closed Session at 7pm. This was accompanied by an email from Mr Fielding headed "Ripple Parish Council – Meeting at Ripple Village Hall 13 December 2012 – 7pm?"

9.12.12

I email clerk that an entry has appeared on Facebook saying that, while ploughing up the meadow, Mr Fielding had told a MOP that he would be attending Ripple PC this coming Thursday. I repeat I would not be attending the 7pm session but would be attending at 8pm

13.12.12

I arrive at Village Hall at 8pm along with c.30 MOPs. At 8.10pm the 4 other councillors and clerk arrive by car. Although MOPs wish to discuss Coldblow, chair refuses to say what Mr Fielding had said. Cllr Ledger declares interest (first ever mention of DPI). MOP says Mr Fielding had claimed on 9th December that Cllr Ledger was his friend but Cllr Ledger states he would not exactly call him a friend. Cllr Ledger denies he was involved in the ploughing up of the meadow or had given permission for Mr Fielding to use his land for the agricultural plant to access the meadow. This denial was in spite of Mr Ledger admitting he had been present at Coldblow when the heavy plant arrived on 8th December which was used the following day to

plough up the meadow and in spite of the fact that Cllr Ledger claimed to know where the contractor was based. An MOP also alleged that Mr Ledger was directing the heavy plant and showing the drivers where to park. In spite of declaration of interest Cllr Ledger tells MOP who was trying to make a point to shut up and sit down.

Some time later I discover that the closed session had been held at Cllr Ledger's private home and that he had been present throughout the meeting. I also learn that the contractor used to plough the land was Burden Bros, the contractor used by Cllr Ledger.

2.1.13

Clerk emails Laura Pinkham of KALC, email forwarded 7.1.13 to Clive Powell. Clerk states that PC had not had chance to discuss Coldblow before I made application in contradiction of minutes of November meeting. I am also accused of involving myself in VG application under pretext of my wife being the lead, of being rude to local residents and of having legal action pending against us for comments on Facebook (Chair had admitted to MOPs at December meeting she had not read the Facebook page). There was no attempt to substantiate these allegations but they were accompanied by an email from Mr Fielding dated 28.12.12, presumably the source of the clerk's allegations.

8.1.13

I write to Mr Powell with my version of events as I feel I have to defend my reputation against entirely false accusations.

8.1.13

Mr Powell replies saying all matters must be referred to clerk but suggesting contact be made with Monitoring Officer.

8.1.13

I contact Rebecca Brough (Monitoring Officer out of office). I email Mr Powell confirming chat with Rebecca.

10.1.13

MOP advises me that he has had contact with Cllr Eileen Rowbotham over his concerns about the closed session meeting of PC held 13.12.12 with Mr Fielding and the treatment of the public at the open meeting. There is to be a public information session held by the "Save Coldblow Woods" group at which Cllr Rowbotham will be present and she will have a word with me. At same time I am given copy of an email dated 9.1.13 from Mr Fielding to Laura Pinkham in which he states "I and my neighbour John Ledger are the only people to have shown any willingness at all to actually fund the care of this part of our environment." This is the first time I have had any documentary evidence, apart from hearsay and suspicion, of Mr Fielding's and Cllr Ledger's joint enterprise in the Coldblow development. I am also advised that East Kent Mercury carries a letter from a Chris Morris in which it is stated that Cllr Ledger was responsible for raising the earth banks around Coldblow. These earth banks are being used to keep the public out of the land subject of the VG application.

11.1.13

I purchase East Kent Mercury. Letter headed "But it gets my vote" states "and if it wasn't for the help of Mr Ledger raising the earth banks around Coldblow to stop access...."

12.1.13

Presentation by "Save Coldblow Woods" campaign group at Deal Welfare Club. Some 130 MOPs, District, County and Town Councillors, Charlie Elphicke (MP) and Labour Parliamentary candidate attend. One MOP (not MOP who had earlier spoken with Cllr Rowbotham) mentions closed Ripple PC meeting with Mr Fielding but does not mention it was held in house of Cllr Ledger. Mr Elphicke criticises secrecy of this meeting and says matters of public concern should always be discussed in public. Letters of my attempted negotiations with Mr Fielding are handed to Mr Elphicke.

I am later approached by Cllr Rowbotham and by Cllr Mike Eddy. I have most of documents with me which they read. Both Councillors say I have no option but to contact Monitoring Officer immediately.

14 February 2013 Parish Council Meeting

I tried to raise matter of inaccuracies and subjective manner in which minutes of December meeting had been written. I explain that saying the VG application had been "accepted" by KCC indicated that they had accepted the application as valid and would register the land. The minutes should say the application had been received. I also objected to use of "Barrage of questions" and calling the MOPs "protestors" which I considered to be subjective, not objective terms. The MOPs referred to as "protestors" had attended Ringwould with Kingsdown PC, Walmer PC and Deal TC and been given a warm welcome and sympathetic hearing. At these meetings they had been referred to as "campaigners" or "Friends of Coldblow". These councils had made it clear that, as Coldblow was in the Parish of Ripple, Ripple PC was the appropriate forum to discuss the matter. I also explained that many of the users of this land came from Walmer but Walmer PC felt they could not intervene as the land was not in their parish. The chair accused me of having no objective but to disrupt the meeting and started raising her voice, at which stage I suggested she calm down. I said I felt I was trying to discuss the manner in which the minutes had been written, not the subject of Coldblow, but was told by Cllr Steve Manion that I could not do so as I had an Other Significant Interest.

Subject of planning application for fencing submitted by Mr Fielding was raised. I declared interest and left room. Cllr Ledger said the fencing had nothing to do with him, no-one raised any objection to his presence and he proceeded to discuss the matter and voted on it in spite of fencing forming boundary to the southern edge of his land at Coldblow. Without Cllr Ledger's vote there would not have been a quorum. No objections to the planning application were raised.

14 March 2013 Parish Council Meeting

After the hostilities of the meeting in February and the unbalanced minutes I felt unable to attend and that I needed time to consider my position. Cllr Ledger, as reported in minutes, justifies his voting on fencing by saying he did not need to declare an interest as he has no connection with the field at Coldblow.

APPENDIX 1

Supporting Statement and Witnesses concerning complaint regarding
Ripple Parish Cllrs John Ledger [REDACTED]

1. Within the Parish of Ripple lies a piece of land formerly owned by the Secretary of State for Defence and which was used as the Deal-based Royal Marines' sports ground. It is locally known as Coldblow Woods and Sports Ground. For decades local residents have walked the land but in August 2012 barbed wire was erected around the perimeter of the southern portion of land and "Ringwould Cricket Club No Trespassing" notices erected.
2. My wife and I frequently walked this land and other walkers we met asked me to raise the matter with Ripple Parish Council. Council minutes for September (document 1) show that the matter was raised by me and discussed at length. Also discussed was a letter written by the occupier of the southern plot of Coldblow, Ringwould Cricket Club, regarding the club's intentions. As the local newspaper had been unable to discover details of the cricket club my wife conducted relevant searches at Land Registry. She discovered that the northern part of Coldblow was owned by Cllr John Ledger and the southern part by T.G. Claymore, a property development company. As my wife and I were concerned about the reasons for a property development company purchasing the land we started investigating the possibility of having the track through the woods added to the Definitive Map. At the Parish Council Meeting of 11th October when the matter of Coldblow was raised by a MOP during Public Question Time I declared an interest as my wife was trying to have the track added to the Definitive Map (document 2).
4. Subsequent to this meeting my wife arranged to consult with a barrister whose services were supplied free of charge through the Kent Law Clinic. On 29th October we met with the barrister who suggested that my wife should abandon the footpath idea but apply for Village Green registration of the land. At the Ripple Parish Council Meeting of 8th November (document 3) I declared an interest and advised the council that my wife was involved in preparing evidence for the Village Green application. After a long and detailed discussion three of the five councillors, Cllrs Ledger, Pryor and Lee (chair) expressed their opposition to the Parish Council becoming involved in the Village Green application (not recorded in the minutes but remembered by MOPs present) and expressed support for the Cricket Club proposed development. It was resolved (I did not take part in the vote due to my declared interest) to invite the landowner to a private meeting with the Parish Council.
5. On 2nd November a digger was brought onto the southern part of the land at Coldblow and earth banks were erected around the perimeter of the southern plot of Coldblow (see Paragraph 11 below, document 10).
6. As the majority of the Parish Council had expressed their opposition to the Council applying for Village Green registration I felt there would be no conflict of interest if I took over the application, having had experience of preparing statements and giving evidence. The barrister who had advised us and the Open Spaces Society, of which my wife and I are members, had warned us to submit an early application to register the land as a Village Green as an amendment to the legislation was imminent. The application was therefore lodged on 28th November 2012.
7. On 3rd December I emailed the clerk (document 4) to advise that I would not attend the meeting with the landowner as I had served notice on him of my having lodged the Village Green application. I also advised the clerk that notice had similarly been served on Cllr Ledger and that he now had a DPI.
8. On 6th December I received a summons (document 5) dated 5.12.12 to attend a meeting of Ripple Parish Council at 8pm. The dates shown on the summons for the meeting are wrongly given as 13

November 2012 and 8 November; they should have read 13 December 2012. Also included in the summons was "With reference to the situation with Coldblow, Mr Nicholas Fielding has agreed to attend at 7p.m. to discuss the subject, I would be grateful therefore if you could attend at that time." I also received on 6th December the agenda (document 6) for the "Annual Parish Council Meeting and the Ordinary Parish Council Meeting to be held in the Village Hall at 8.00 pm on Thursday 13 December 2012 ... Closed session at 7 p.m." Accompanying this agenda was an email from Mr Fielding (document 7) headed "Ripple Parish Council – Meeting at Ripple Village Hall 13 December 2012". As the closed session had been included in the agenda for the Parish Council Meeting of 13th December I, like Mr Fielding, had assumed that the session was an official Parish Council Meeting.

9. On Sunday 9th December contractors began ploughing the former sports ground. The previous afternoon Cllr Ledger had been present at Coldblow when the earth moving and ploughing equipment arrived. On the evening of 9th December my wife noticed on the "Save Coldblow Woods" Facebook page a message from a MOP who had been present during the ploughing of the sports ground stating that Mr Fielding had said he was going to be present at the forthcoming Ripple Parish Council meeting. I sent an email (document 8) to the clerk to this effect and again reminded her that I would not be present for the closed session meeting at 7pm.

10. On Thursday 13th December I and approximately 30 MOPs attended the village hall at 8pm for the Annual and Ordinary Parish Council meeting but were kept waiting some 10 minutes until cars containing the four parish councillors and clerk arrived from the direction of Cllr Ledger's house. During the Public Question Time the MOPs requested information regarding the closed session that had been held minutes earlier, however the chair refused to discuss the matter saying she was unable to do so because a Village Green application had been lodged. During the exchanges Cllr Ledger admitted he had been present at Coldblow when the plant arrived and said his car had been scratched by the dog of one of the MOPs. Cllr Ledger also intimated he knew from where the plant had come when another MOP said that the plant was locally sourced. Another MOP said that, on the Sunday, Mr Fielding had said that Cllr Ledger was his friend to which Cllr Ledger said that he would not really describe Mr Fielding as his friend but declined to elaborate on his relationship. At one point a MOP stood up to speak and Cllr Ledger shouted at her in a bullying and intimidating manner to "Shut up and sit down". The chair made no comment about this behaviour. Some time later I was advised that the closed session meeting at 7pm had taken place at Cllr Ledger's private house and that he had been present throughout the meeting. Although the chair had used the fact that an application for Village Green registration had been lodged as an excuse not to discuss Coldblow, this situation did not prevent Ringwould with Kingsdown PC from discussing the matter at length on 14th January, Walmer PC from allowing the subject to occupy over 30 minutes of its time on 16th January, and Deal Town Council from adding it to its agenda for 22nd January.

11. On 10.1.13 a MOP who had been present at the December Parish Council meeting advised me that he had been concerned about the closed session held at 7pm and had spoken with Deal Town Councillor Eileen Rowbotham. The MOP had also mentioned to Cllr Rowbotham that I had absented myself when the subject had been raised and had not spoken during the Public Question Time session as Coldblow was again the main subject discussed. Cllr Rowbotham told the MOP that I was free to contact her should I wish. I was also given a copy of an email (document 9) from Mr Fielding to Laura Pinkham, copied to Mr Elphicke, MP, and Dr Colin Skinner. In this email Mr Fielding states: "I and my neighbour John Ledger are the only people to have shown any willingness at all to actually fund the care of this part of our environment." The East Kent Mercury letters page dated 10th January (document 10) carried a letter headed "But it gets my vote" stating "and if it wasn't for the help of Mr Ledger raising the earth banks around Coldblow to stop access...." (see paragraph 5 above).

Although I had received verbal comments about Cllr Ledger raising and shooting pheasants in conjunction with Mr Fielding and had received hearsay reports about business connections between the two, these documents were the first that confirmed a shared interest and joint enterprise in the land owned by Mr Fielding. The first mention of a DPI by Cllr Ledger was made at the Parish Council meeting of 13th December held at 8pm.

12. On 12th January 2013 there was a presentation by the Save Coldblow Woods campaign group held at Deal Welfare Club. I was asked by the campaign group to speak about the village green registration application. In attendance were some 130 members of the public, Mr Elphicke (MP), the Labour parliamentary candidate, and several District and Town Councillors. A MOP who had attended the December Ripple Parish Council meeting mentioned the closed session meeting and the fact that the chair would not discuss the contents of that meeting. Mr Elphicke and others criticised the secrecy of the meeting. Also mentioned was the "shut up and sit down" comment. Again this behaviour was criticised by councillors and assurances given that such behaviour would not occur or be tolerated by other councils. After the presentation finished I was approached by Cllrs Rowbotham and Mike Eddy who mentioned they had spoken earlier with the MOP, a personal friend of Cllr Rowbotham, regarding the closed session. I had with me some of the attached documents which Cllrs Rowbotham and Eddy read. They advised me that I had no option but to contact the Monitoring Officer immediately with the information.

13. As witnesses to the events at the Ripple Parish Council meeting on 13th December 2012 and the presentation on 12th January 2013 I have been given permission to name the following:

Dr Colin Skinner, [REDACTED]
Ms Sue Williams, [REDACTED] See attached letter of complaint (document II)
Ms Emma Luck, [REDACTED]
Mr James Christie, [REDACTED]
Mr Stephen Snow, [REDACTED] (not present at presentation on 13.1.13)

[REDACTED]
Roger Chatfield
17th January 2013

Local Investigation – Interview with Councillor John Ledger, a Subject Member and member of Ripple Parish Council, held at Dover District Council Offices, White Cliffs Business Park, Dover, Kent CT16 3PJ on Friday 8th November 2013 between 14.00 and 15.15 hours.

1. At the start of the interview I referred to the Decision Notice of the Monitoring Officer of Dover District Council dated 6th June 2013 a copy of which was provided to you for your attention. In order to clarify the situation the complaint summary was read to you in its entirety. In addition to that information reference was also made to the detailed report prepared for the Monitoring Officer/Independent Member.
2. You confirmed that you are a long-standing member of Ripple Parish Council, having served as a Councillor for twenty-five years or more.
3. The supporting papers for this case included a copy of a detailed letter to the Monitoring Officer dated 1st February 2013, setting out your initial response to the complaint and it was agreed that these notes would contain any additional or explanatory information emerging from the interview and not already contained in that document.
4. The two elements of the complaint relate to the non-declaration of interest with regard to the unofficial meeting on 13.12.12 and the “shut up” incident, which took place during the official meeting.
5. With regard to the so called private meeting which took place before the official Council meeting on 13th December 2012, you made the point that the meeting was in reality a fact finding exercise held in order to establish Mr. Fielding's intentions with regard to the Coldblow Woods site. You explained that you were aware that Mr. Fielding had recently purchased the site and were of the opinion that he had done so in order to stop it from being developed. You have known Mr. Fielding, who lives locally, for a number of years and are involved with him in regard to some business activity and leisure pursuits. In particular the holding company for your farming business rents a small amount of land from Mr. Fielding and you have shared a small shoot with him for the last six years. You do not, however, meet with him on a regular basis.
6. You accept that you have a declarable pecuniary interest in that you own, through various companies, much land adjoining the Coldblow Woods site. In this respect you have marked your land ownership on a drawing appended to this report, which indicates land in your ownership marked with the letter L. Your business enterprise is known as Ripple Farms Ltd and that of your brother as Appleton Farms Ltd. Both of those companies, although legal entities in their own right, come under a management company known as Ledger Farms Ltd. It was that last body that technically rents land from Mr. Fielding.

7. The reason for holding an informal meeting with Mr. Fielding was in order that the Parish Councillors who attended should have the opportunity of establishing the facts regarding Coldblow Woods site.

8. Such information would be needed at a later date in order that the Parish Council could formally decide whether to support the Cricket Club or the Village Green application. Tensions concerning the site were running fairly high and in your view and that of the other Parish Councillors it was necessary to hold a quiet meeting without risk of interruption in order to establish those necessary facts. Originally the meeting was to be held in the village hall prior to the official Parish Council meeting, but as time progressed it became obvious that the word was out and the informal meeting could easily be disrupted and become extremely rowdy. Hence in the interests of public order you contacted the Chairman and it was decided to move the informal part of the meeting to another location. Ultimately it turned out to be the kitchen in your house.

9. You were fully aware that you had a declarable interest and that you had to be careful how to handle the situation as a Parish Councillor. In view of this, at the start of the unofficial or private meeting you raised your concerns with your fellow Councillors stating that you had an interest. You also asked if you ought to stay for the meeting with Mr. Fielding or whether you ought to leave the room. Your fellow Parish Councillors were unanimous in agreeing that you ought to stay, making the point that it was not an official Parish Council meeting, but rather an informal fact finding exercise. Due to the unofficial nature of the meeting your wife also attended. With regard to the unofficial nature of the meeting you wish to make it clear that no decision relating to the site was reached at the informal meeting, nor has any decision ever been made at any later Parish Council meeting. The reality of the situation is that in the final analysis the Parish Council has taken a neutral viewpoint, neither supporting the cricket Club or the Village Green application. During the unofficial meeting you listened but took no further part and did not ask any questions.

10. At the close of the meeting you and the other Parish Councillors who attended drove straight to the village hall where you were met by about forty people who were protesting about the situation in Coldblow Woods. The atmosphere in the meeting was very tense, but the public behaved in a reasonable manner until the public question time section of the meeting. The Coldblow Woods situation was discussed and the meeting became very rowdy. Many of the protestors started speaking at the same time and kept repeatedly asking what was happening with regard to the woods. The Chairman explained that the Parish Council did not know precisely and that although the informal meeting had taken place, there had been no proper discussion by the Parish Councillors and no decision had been made.

11. Having declared an interest at the start of the meeting you tried your best not to join in the debate but in the end did so in order to answer some factual questions. You tried to say nothing, but it was clear that you knew some of the answers regarding land ownership that no one else knew and such information

would assist the meeting. You felt that you were very open in your dealings with the land ownership questions.

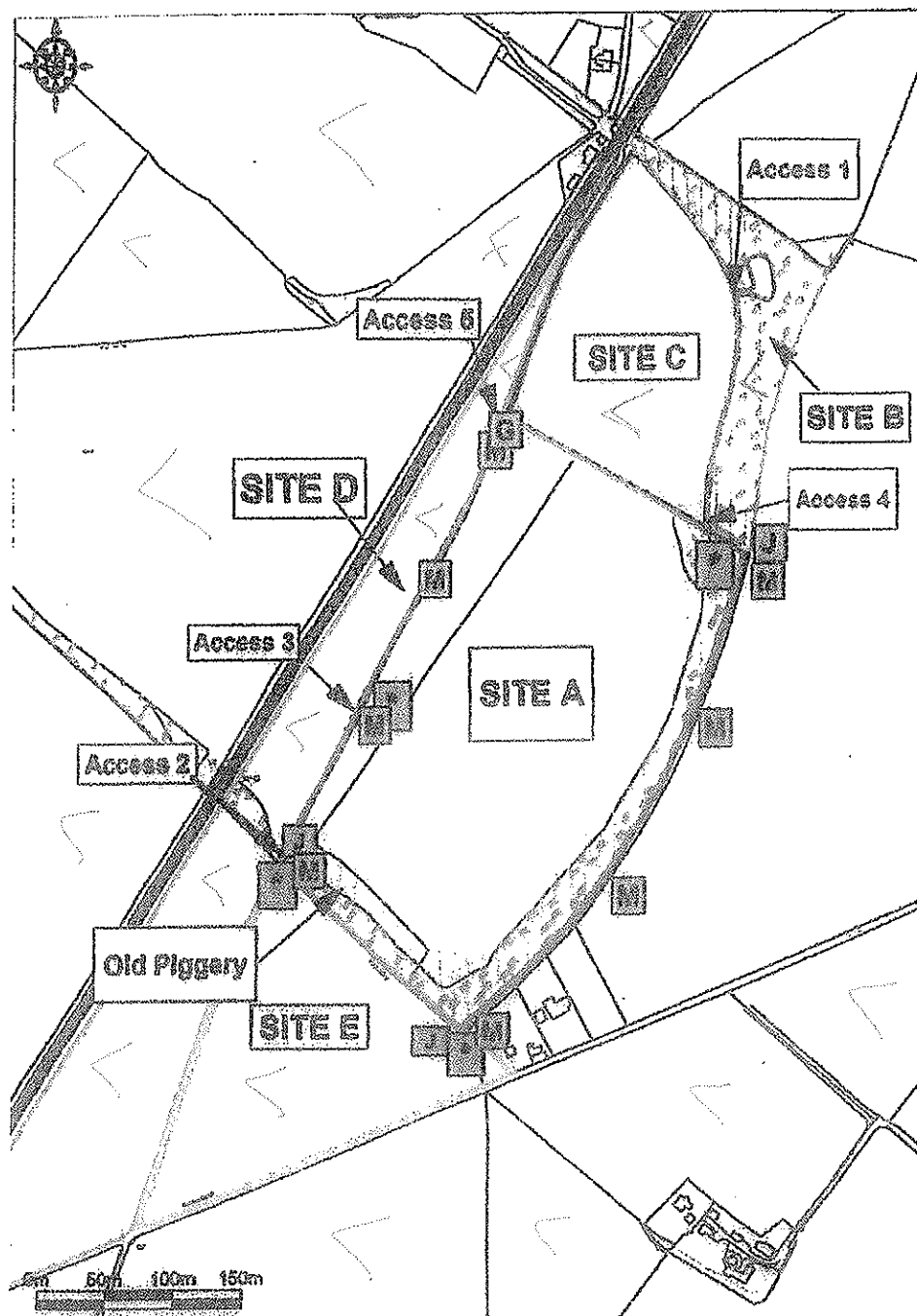
12. Mrs. Williams was one of the key protestors and kept talking even when you were trying to answer. Eventually she interrupted you once too often and you responded saying "sit down and shut up". This was a spontaneous reaction brought about by your sheer exasperation at trying to get a word in edgeways. You realized that you had overstepped the mark and immediately apologized to the Chairman for your actions. After the meeting you spoke to Mrs. Williams and apologized to her. She told you not to worry about the exchange. You wish to make it clear that in your view it is significant that Mrs. Williams did not take the matter further and is not one of the Complainants in the current investigation.

13. In your dealings with Councillor Chatfield you feel it is important to note that he is capable of giving as good as he gets, as at the next meeting of the Parish Council even though he had registered an interest he spent a long time challenging the minutes in a very forceful manner. It is also worth noting that he could have attended the informal meeting but chose not to do so.

These are the points you wish to make in regard to the complaint.

W D Milne
Solicitor

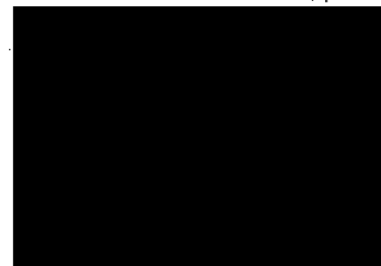
18th November 2013.



February 1st 2013

John Ledger

The Monitoring Officer
Governance
White Cliffs Business Park
Dover
Kent CT16 3PJ



Dear Sir,

I am writing to inform you that I most strongly deny the allegation made against me by Councillor Roger Chatfield that I have failed to comply with my authority's code of conduct and brought Ripple Parish Council into disrepute.

A piece of land at Coldblow recently bought by Mr. Fielding has become a very emotive subject. The Parish Council Members requested an informal meeting with Mr. Fielding to hear of his intentions for the land. The meeting was arranged to be held at 7pm in Ripple Village Hall on Thursday December 13th prior to the Parish Council meeting at 8pm. The meeting would be closed to the public but as it was an unofficial meeting it would be open to all Parish Councillors, including those with a DPI. Councillor Chatfield stated that he still would not attend because of his DPI. I expressed my concern to the Clerk that as Councillor Chatfield was taking this stance, I should do the same. I was assured by her that as it was a strictly unofficial meeting, I was free to attend.

Shortly before the meeting we were made aware that the people protesting against Mr. Fieldings' proposals had a Facebook page urging people to turn up to the meeting even though they knew it was not open to the public. I realised that if this did happen we would probably not be able to have a quiet, useful meeting with Mr. Fielding. I discussed my concerns with Councillor Lee, who then discussed the matter with the Clerk. Councillor Lee telephoned to tell me they had decided that a change of location for the meeting would probably be advisable. My wife, hearing this conversation, pointed out that as it was an unofficial meeting, it could actually be held anywhere. It was at this stage that I offered the use of my kitchen table. It was, I thought, a simple solution to a problem.

All Councillors had been advised that there was to be a change of location for the meeting. All apart from Councillor Chatfield were told it was to be held at Ripple Farm. Councillor Chatfield did not ask for the new location as he said he had no intention of attending. Had he asked he would have been told of the location as it was not a secret.

All of the Councillors apart from Councillor Chatfield attended the meeting. I was still voicing my concern that I should not be there, but was again assured by all of the councillors that because it was not an official Parish Council meeting, there was no reason why I, or Councillor Chatfield could be present if we so wished.

I had nothing whatsoever to gain by holding the meeting in my house. I had made the gesture purely to ensure that the meeting could go ahead in a quiet, civilised environment. I was surprised that Councillor Chatfield, having been told he was completely free to do so, did not attend the meeting as, to my knowledge he has never met Mr. Fielding.

The Parish Councillors spent an hour questioning Mr. Fielding and listening to his proposals. They all agreed that it had been a beneficial meeting, and they felt they would be more equipped to make informed decisions at a future official Parish Council meeting.

Councillor Chatfield insists on emphasising the word "closed" with regard to the meeting with Mr. Fielding. He knows full well that it was closed only to the members of the public but was open to all members of the Parish Council, including those with a DPI. He refuses to accept this. His whole allegation against me is based upon the way that the agenda for the Parish Council meeting on December 13th was laid out and worded. The notice sent out to advise of the date and time of the meeting, states clearly that the Parish Council Meeting would start at 8pm, prior to this would be a closed meeting with Mr. Fielding at 7pm.

Councillor Chatfield objects to the fact that on the agenda for the Parish Council meeting which again, clearly states that the meeting would start at 8pm, the closed meeting at 7pm is also listed all under the heading of "Ripple Parish Council". All of the other councillors understood and accepted this. I do not know how he expected the Clerk to present things differently.

I feel extremely sorry for the Clerk. She does an excellent job. I feel that Councillor Chatfield has pounced upon the way that she has laid out her communications to get at me.

Councillor Chatfield claims that because Mr. Fielding headed his communication to the clerk with "Ripple Parish Council", he believed that he was coming to an official parish council meeting. This is not true. Mr. Fielding knew that it was an unofficial meeting with the councillors and welcomed this. He was hardly going to head his communication with "Unofficial Ripple Parish Council".

There was definitely no secrecy attached to the unofficial meeting with Mr. Fielding as far as the Parish Councillors were concerned. The location was not disclosed to the public because it was not a public meeting. All the councillors who attended the unofficial meeting parked their cars in my drive, in full view of the road. Councillor Chatfield is a near neighbour and could have seen this and was free to join the meeting at anytime. Nothing talked about with Mr. Fielding is a secret, everything would be discussed in full at an official Parish Council meeting.

When the councillors relocated to the Village Hall, one councillor decided to leave his car in my drive. He has had several unpleasant encounters with campaigners against Mr. Fielding and feared that his car could be damaged.

When the councillors relocated to the Village Hall for the official Parish Council meeting, as we had suspected may happen, there were approximately thirty protestors against Mr. Fielding present. Councillor Chatfield is complaining that during the public question time when the MOPs asked what had taken place at the unofficial meeting with Mr. Fielding, Councillor Lee would not discuss the matter. There was no underhand reason for this, she merely thought that she could not disclose any details of the meeting before the councillors had the chance to discuss it between themselves. The Parish Council can hardly be accused of a lack of impartiality when no final decisions have been taken on whether to back Councillor Chatfield's application or Mr. Fielding's proposals.

I feel that the protestors against Mr. Fielding's proposals, view the absence of a definitive "yes" in support of their campaign, as a lack of impartiality.

Councillor Chatfield is correct in that during the public question time, I did tell an MOP to "Sit down and shut up". I am not proud of this and it should never have happened. I bitterly regret it. It was not said in a bullying or intimidating manner but in complete exasperation. The MOP concerned had been continuously shouting and screaming, making it impossible for anyone to speak or hear proceedings. I know that this is no excuse and I do sincerely apologise. The reason that there was no response from the chair is that there was so much noise in the hall she did not hear the incident. I have since learned that later at the same meeting, the same MOP prompted a similar reaction from County Councillor Manion. I did not hear this because of the noise in the hall. I feel that the behaviour of the MOPs at the meeting completely vindicated the decision to hold the unofficial meeting with Mr. Fielding elsewhere.

Over my years as a Parish Councillor, I have on numerous occasions had to claim a DPI. I have always, without hesitation acted accordingly. As far as I was concerned I had no DPI with Mr. Fielding and his proposals.

I made it no secret that I, and the majority of Ripple residents that I have spoken to, were delighted to hear that Mr. Fielding had bought the playing field and planned to restore it to its original use. I would have felt the same whoever had bought it. The previous owner had bought the land from the MOD approximately eighteen years ago, with a view to development. When this proved impossible, he lost all interest in the land. Fences and gates fell into disrepair and were soon breached. The area became a meeting place for "boy racers" and a dumping ground for burning out cars. Around 1999, a large group of Irish travellers set up camp on the land. Despite Police efforts to move them on, they stayed for a considerable time. During this time, petty crime in the area soared. The travellers only water supply was the tap in Ripple Churchyard. When they were eventually evicted, they left behind an enormous amount of junk and debris, including needles

and human waste, which the Council were called upon to deal with.

The protesters against Mr. Fielding claim that they have walked the playing field for decades. I do not believe anyone would have wanted to go anywhere near the area during the travellers occupancy. It was not a pleasant place to be.

After the travellers were eventually moved on, I persuaded the then owner to allow me to form a bund around the site, to hopefully prevent such a thing ever happening again. Prior to carrying out the work, I removed in excess of forty burnt out cars and general fly tipping, including numerous gas cylinders from the site. This was the last time that I, or any of my staff carried any work, paid or unpaid at the playing field.

Councillor Chatfield infers that the article in the East Kent Mercury, January 10th 2013 (part of which is missing !) refers to land since Mr. Fielding bought it. It does not, it is a reference to my work after the eviction of the Travellers ! Councillor Chatfield is accusing me of carrying out the work to build banks at Coldblow on November 2nd 2012. This is untrue, I had no part in this. The work was carried out by Mr. Fielding's staff.

I am sure that Kent Fire Brigade records will show that they were (and still are) called to Coldblow on a regular basis, as were the Police. Things have improved since the bund was built but the site does still attract nuisance and anti social behaviour. I and many Ripple residents, do not recognise the site as the idyllic piece of countryside that the protesters claim it to be.

Several years ago, the owner of the land on the eastern side of the site applied for planning permission to develop the land. Mr. Fielding spent a great deal of time and money fighting this proposal and was one of the main players in eventually preventing it from going ahead. The sole reason for Mr. Fielding buying the playing field is to hopefully prevent it from ever being developed. I was not aware Mr. Fielding had bought the land or planned to restore it to its original use until the "Cricket Club" signs were put up.

It was soon clear that a protest group, led by Mrs. Chatfield had been formed to fight Mr. Fieldings' proposals. At the Ripple Parish Council meeting on November 8th 2012, I learned that Mrs. Chatfield was planning to apply for village green status for the site and the woodland bordering it, all owned by Mr. Fielding.

On Sunday November 11th 2012 my wife and I were on my land which lies to the north of the playing field. We were approached by a couple with a dog, they expressed to us their feelings of disgust that Mr. Fielding had built banks and erected fences around his land. We replied that everyone was entitled to their opinion but we did not agree with them. It was all civilised and not at all heated so I was therefore rather shocked to hear that they had reported us to Walmer Parish

Council as being rude and abusive. This could not be further from the truth. Soon after this I received a letter from Councillor Chatfield, stating that he was applying for village green status regarding my stretch of woodland, bordering my land on the north side of the playing field. I was completely shocked as I could see no logical reason or justification for this, and why now? Prior to this Councillor Chatfield had been vociferous about the village green application for Mr. Fieldings' land but had never once mentioned to me that he planned to treat my woodland in the same way.

Councillor Chatfield claims I admitted that I was present at Coldblow when the contractors arrived on December 8th 2012. I did not, because I was not present at that time! I own land on three sides of the playing field and often need to go to the area. Late on the afternoon of December 8th 2012 my wife and I drove down the road to Coldblow. We saw stationary machinery and contractors standing around. I stopped my car in the road. Two of the workmen came over to speak to us, they explained they had to stop working when protesters had surrounded their machinery, making it too dangerous to continue. They had tried to reason with the protesters but to no avail. The contractors were shocked and offended by the protesters, being shouted and sworn at, calling them "idiots" and "Irish tinkers". While we were talking to the contractors, a man with a Lurcher approached my car. The dog jumped up at my car door, causing a deep scratch. The owner of the dog ignored this and began photographing my wife and I sitting in my car on a public highway. He then walked away, shouting abuse and laughing. My wife was very upset.

Councillor Chatfield complains that at the public question time on December 13th 2012, I would not disclose details of the contractors who had carried out the work at Coldblow. I had nothing to hide but believed it to be completely irrelevant information. Mr. Fielding had asked me if I could recommend a firm to do the work and I had given him the details of several firms specialising in that line of work. I have absolutely no connection whatsoever with any of the firms. It was entirely up to Mr. Fielding which firm he chose to employ.

Councillor Chatfield is concerned about my relationship with Mr. Fielding. We are friends but not close friends. We do not socialise. We came together because of our shared interest in shooting and between us have formed a small family shoot. We invite only our family and friends to these shoots, no charge whatsoever is made. The shoots take place partly on his land partly on mine. This is strictly a hobby and not a business. There are no financial implications, Mr. Fielding funds his part of the shoot and I fund mine. No money ever changes hands and never has done.

Mr. Fielding and I do not raise our pheasants together. Mr. Fielding buys and raises his own chicks on his own premises and I buy and raise my chicks on my premises.

I, nor any member of my staff have ever carried out any work for Mr. Fielding or received any kind of payment and vice versa apart from my brother and I (Ledger Farms Limited) rent a small acreage of land from T.G. Claymore elsewhere.

Since Mr. Fielding bought the land at Coldblow, all work has been carried out by his own staff or contractors. Mr. Fielding has never asked me to carry out any work for him or sought my advice.

I apologise for the rambling nature of this letter but I have tried to address each of Councillor Chatfields' concerns in the order that he has listed them.

I strongly refute Councillor Chatfields' allegation that I have brought Ripple Parish Council into disrepute. I do admit that I should not have been rude to the MOP on December 13th 2012 but at all other times I have complied completely with the remit and code of conduct required of a parish councillor. I have always treated the position with the greatest respect and have never on any occasion acted inappropriately.

I feel very strongly that Councillor Chatfield is determined to disgrace me. He appears to be putting forward as many claims against me that he can possibly think of. This presumably is in the hope that some if not all will be damaging to my reputation as a councillor.

Yours sincerely

John Ledger



**Local Investigation – Interview with Councillor Daphne Lee, [REDACTED]
[REDACTED] Chairman of Ripple Parish Council, held at Dover District
Council Offices, White Cliffs Business Park, Dover, Kent CT16 3PJ on Friday
8th November 2013 between 10.50 and 12.30 hours.**

1. At the start of the interview I referred to the Decision Notice of the Monitoring Officer of Dover District Council dated 6th June 2013 a copy of which was provided to you for your attention. In order to clarify the situation the complaint summary was read to you in its entirety. In addition to that information reference was also made to the detailed report prepared for the Monitoring Officer/Independent Member.

2. You confirmed that you are a member of Ripple Parish Council, having served as a Councillor for eighteen plus years and as Chairman of the Council for the last six years.

3. The supporting papers for this case included a copy of a document entitled "Councillor Daphne Lee (Chair) Ripple Parish Council, response to Member complaint lodged by Councillor Roger Chatfield (also of Ripple Parish Council) and it was agreed that these notes would contain any additional or explanatory information emerging from the interview and not already contained in that statement.

4. The two elements of the complaint relate to non-declaration of interest by Councillor Ledger, [REDACTED] with regard to the unofficial meeting on 13.12.12 and the general handling of the meeting and the "shut up" incident in particular which took place in the official meeting.

5. With regard to the so called private meeting which took place before the official Council meeting on 13th December 2012, you wish to make it clear that the need for the meeting was to ascertain exactly what Mr. Fielding's intentions were with regard to Coldblow Woods. There had been much speculation regarding the matter and signs had been erected in the woods stating "no trespassing – Ringwould Cricket Club". You had also been informed that barbed wire fencing had been erected in the woods. Quite naturally people were asking what was going on with regard to Coldblow Woods. Members of the Council thought that it would be useful to have a fact-finding meeting with the owner, Mr. Fielding, prior to relaying information to parishioners. With this end in mind the clerk to the Parish Council wrote to Mr. Fielding asking him if he would be prepared to meet and discuss the matter with the Parish Council representatives. It was accordingly arranged that the unofficial meeting would start at 7pm prior to the formal meeting and would be very informal in nature. Members of the Council felt that they were likely to gain more information from the owner if the meeting was both informal and private.

6. This, however, was not to be the case as notice of the meeting was leaked to the general public and the Complainant decided that he would not attend. The protestors, led by Yvette Williams who wrote to the council, got to hear of the

meeting and fearful of disruption it was decided to change the venue. Members in general did not want a difficult and controversial meeting at that stage, but merely an opportunity to establish the facts. No one had ever heard of Ringwould cricket club although the same was getting mentioned in the local newspapers. It was eventually decided that the meeting would be held informally at the home of Councillor Ledger in his kitchen, which was a suitably sized venue. The decision to move the meeting to that location was taken late in the afternoon on 13th December. The Complainant at that stage did not know the exact venue of the meeting, but had he wished to change his mind and attend had only to phone the clerk to obtain details.

7. The informal or private meeting started at 7pm and continued for about an hour. During that time Mr. Fielding, the owner of the land at Coldblow Woods, spoke for about forty-five minutes but you did not feel he disclosed much new information from what had already been made public in the press. He indicated that he wished to restore the cricket ground and pavilion in order to hold Sunday afternoon cricket matches. At the start of the meeting Councillor Ledger, who knew he had an interest as an adjoining land owner, stated "I do have an interest – am I allowed to take part" and the general consensus among those present was that he should be allowed to do so due to the fact finding nature of the meeting. Councillor Ledger did in fact stay for the duration of the meeting but did not ask a single question. The last fifteen minutes of the meeting were taken up with questions from Members, most of which were put forward by yourself from a prepared list as Chairman.

8. Once the informal part of the meeting had been completed you drove to the village hall, where you were confronted by at least forty or more protestors who were concerned about what was actually happening at Coldblow Woods. The protestors were very rowdy and would not let you park with the result that the meeting was five minutes late in starting. Once the meeting got under way you apologized for the delay and continued with the agenda. Coldblow was an agenda item but you informed the meeting that there was nothing to discuss at that time. The meeting continued to follow the agenda and the protestors acted in a reasonable manner until the public question time session when "all hell broke loose". That section of the meeting was very tense, but you used your best endeavors to keep a semblance of order. Members of the public kept asking you as Chairman the question "what are you going to do about Coldblow". The question was reiterated by a lady you know to be Ms. S. Williams and you replied that "there was nothing we (the Parish Council) could do at that precise time as Village Green status had been applied for, but we would monitor the situation". You kept repeating that there was nothing you could do as you had no new information.

9. A lady known as Yvette Williams appeared to be a leading protestor and waved a paper at you saying, "have you read this or did you bin it" to which you replied that you had read the same. She in turn was interrupted by Ms. S. Williams who would not stop speaking and you further addressed her saying "excuse me, you have had your say – now let someone else speak". Yvette Williams then turned her attention to Councillor Ledger accusing him of using

influence to plough the field at Coldblow, shouting a barrage of additional questions. In the midst of the commotion you did not hear Councillor Ledger reply but understand that he said "sit down and shut up" or "shut up and sit down". This only happened after Councillor Ledger had put up with the heckling for a while and he subsequently apologized to the Chair stating that he was out of order and after the meeting apologized to the lady in question.

10. Towards the end of the meeting a young man asked you as Chairman if you could organize a further meeting with Mr. Fielding, which the public could attend and the clerk replied that she would attempt to do so. Circumstances, however, changed and the public meeting was arranged by the local MP at the welfare club, which was well attended. In all the circumstances of the case you feel that the meeting was handled reasonably given the very difficult situation.

These are the points you wish to make with regard to the complaint.

W D Milne
Solicitor
14th November 2013.
Amended 5th December 2013

Ripple Parish Council

Parish Council Meeting Thursday 13 December 2012

Minutes of the Parish Council meeting held in the Village Hall on this day at 8 pm, due notice having been given.

COLDBLOW

**Standing Order 14 – Exclusion of the press and public
Recommendation**

That, in accordance with the above standing order, the public and press were excluded from an informal pre-meeting of the Parish Councillors with the owner of Coldblow in view of the special nature of the business to be discussed. Due to various articles in the local press, Councillors wished to hear first hand the owner's proposal for the land.

PRESENT

Councillors: Mrs D Lee, Mr R Chatfield, Mr J Ledger Mr A Prior and Mr J Gray
County Councillor Mr S Manion
In attendance: Mrs K Hastilow (Parish Clerk) and approx 25 members of the public. PCSO Katie Parker-Brown

APOLOGIES

Cllr Watkins

DECLARATION OF INTEREST

Cllr Ledger and Cllr Chatfield declared interests concerning Coldblow

MINUTES

The minutes of the meeting held on 8 November 2012, having been circulated, it was proposed by Cllr Prior, seconded by Cllr Chatfield and AGREED that they be approved and signed as a true record.

MATTERS ARISING FROM THE MINUTES

RIPPLE ROAD

Problems with the road surface had been reported and some patching works had been carried out but these were not considered to be sufficient. Clerk to seek further updates on this road and report various other potholes which have appeared

FLY TIPPING

The fly-tipping in Pommeus Lane has been reported and subsequently removed.

COUNTY COUNCILLORS REPORT

Cllr Manion had been to a meeting for the launch of Grow For It where there is 35million pounds being made available for interest free loans for people to set up or expand their businesses. Kent County Council also discussed a 5 year plan regarding Youth Services asking can they be better commissioned locally? There is to be a dedicated facility in Dover and Deal and also outreach areas to

Ripple Parish Council

Kent Code of Conduct for Members

Preamble

- (A) The Code of Conduct that follows is adopted under section 27(2) of the Localism Act 2011.
- (B) The Code is based on the Seven Principles of Public Life under section 28(1) of the Localism Act 2011, which are set out in Annex 1.
- (C) This Preamble and Annex 1 do not form part of the Code, but you should have regard to them as they will help you to comply with the Code.
- (D) If you need guidance on any matter under the Code, you should seek it from your clerk, the Monitoring Officer or your own legal adviser – but it is entirely your responsibility to comply with the provisions of this Code.
- (E) In accordance with section 34 of the Localism Act 2011, where you have a Disclosable Pecuniary Interest it is a criminal offence if, without reasonable excuse, you:
 - (a) Fail to notify the authority's Monitoring Officer of the interest before the end of 28 days beginning with the day on which you became a member
 - (b) Fail to disclose the interest at meetings where the interest is not entered in the authority's register
 - (c) Fail to notify the authority's Monitoring Officer of the interest before the end of 28 days beginning with the date of disclosure at a meeting, if the interest is not entered in the authority's register and is not the subject of a pending notification
 - (d) Take part in discussion or votes, or further discussions or votes, at meetings on matters in which you have the interest which are being considered at the meeting.
 - (e) Fail to notify the authority's Monitoring Officer of the interest before the end of 28 days beginning with the date when you become aware that you have such an interest in a matter to be dealt with, or being dealt with, by you acting alone in the course of discharging a function of the authority.
 - (f) knowingly or recklessly provide false or misleading information in any of the above disclosures or notifications.
- (F) Any written allegation received by the Authority that you have failed to comply with the Code will be dealt with under the arrangements adopted by Dover District Council for such purposes. If it is found that you have failed to comply with the Code, the Authority may have regard to this failure in deciding whether to take action and, if so, what action to take in relation to you.

THE CODE

1. Interpretation

In this Code:

"Associated Person" means (either in the singular or in the plural):

- (a) a family member or any other person with whom you have a close association, including your spouse, civil partner, or somebody with whom you are living as a husband or wife, or as if you are civil partners; or
- (b) any person or body who employs or has appointed you or such persons, any firm in which you or they are a partner, or any company of which you or they are directors; or
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of which you are in a position of general control or management and to which you are appointed or nominated by the Authority; or
- (e) any body in respect of which you are in a position of general control or management:
 - (i) exercising functions of a public nature; or
 - (ii) directed to charitable purposes; or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union).

"Authority" means Ripple Parish Council.

"Authority Function" means any one or more of the following interests that relate to the functions of the Authority:

- (a) housing - where you are a tenant of the Authority provided that those functions do not relate particularly to your tenancy or lease; or
- (b) school meals or school transport and travelling expenses - where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which your child attends;
- (c) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992 - where you are in receipt of, or are entitled to the receipt of, such pay;
- (d) an allowance, payment or indemnity given to members of the Authority;
- (e) any ceremonial honour given to members of the Authority;
- (f) setting council tax or a precept under the Local Government Finance Act 1992.

"Code" means this Code of Conduct.

"Co-opted Member" means a person who is not a member of the Authority but who is a member of:

- (a) any committee or sub-committee of the Authority, or
- (b) and represents the Authority on, any joint committee or joint sub-committee of the Authority; and
- (c) who is entitled to vote on any question that falls to be decided at any Meeting.

"Disclosable Pecuniary Interest" means those interests of a description specified in regulations made by the Secretary of State (as amended from time to time) as set out in Annex 2 and where either it is:

- (a) your interest or
- (b) an interest of your spouse or civil partner, a person with whom you are living as husband and wife, or a person with whom you are living as if you were civil partners and provided you are aware that the other person has the interest.

"Interests" means Disclosable Pecuniary Interests and Other Significant Interests.

"Meeting" means any meeting of:

- (a) the Authority;
- (b) any of the Authority's or its executive's committees, sub-committees, joint committees and/or joint sub-committees.

"Member" means a person who is a member of the Authority and includes a Co-opted Member.

"Other Significant Interest" means an interest (other than a Disclosable Pecuniary Interest or an interest in an Authority Function) which:

- (a) affects the financial position of yourself and/or an Associated Person; or
- (b) relates to the determination of your application (whether made by you alone or jointly or on your behalf) for any approval, consent, licence, permission or registration or that of an Associated Person;

and where, in either case, a member of the public with knowledge of the relevant facts would reasonably regard the interest as being so significant that it is likely to prejudice your judgment of the public interest.

"Register of Members' Interests" means the Authority's register of Disclosable Pecuniary Interests established and maintained by the Monitoring Officer under section 29 of the Localism Act 2011.

"Sensitive Interest" means information, the details of which, if disclosed, could lead to you or a person connected with you being subject to violence or intimidation.

Scope

2. You must comply with this Code whenever you act in your capacity as a Member or Co-opted Member of the Authority.

General obligations

3. (1) You must, when using or authorising the use by others of the resources of the Authority:
 - (a) act in accordance with the Authority's reasonable requirements; and
 - (b) ensure that such resources are not used improperly for political purposes (including party political purposes).

(2) You must not:

- (a) bully any person;
- (b) intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or involved in the administration of any investigation or proceedings, in relation to an allegation that a Member (including yourself) has failed to comply with this Code;
- (c) do anything that compromises, or is likely to compromise, the impartiality or integrity of those who work for, or on behalf of, the Authority;
- (d) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - (i) you have the written consent of a person authorised to give it; or
 - (ii) you are required by law to do so; or
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is:
 - reasonable and in the public interest; and
 - made in good faith and in compliance with the reasonable requirements of the Authority;
- (e) prevent another person from gaining access to information to which that person is entitled by law;
- (f) conduct yourself in a manner which could reasonably be regarded as bringing your office or the Authority into disrepute;
- (g) use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.

Registering Disclosable Pecuniary Interests

4. (1) You must, before the end of 28 days beginning with the day you become a Member or Co-opted Member of the Authority, or before the end of 28 days beginning with the day on which this Code takes effect (whichever is the later), notify the Monitoring Officer of any Disclosable Pecuniary Interest.
- (2) In addition, you must, before the end of 28 days beginning with the day you become aware of any new Disclosable Pecuniary Interest or change to any interest already registered, register details of that new interest or change, by providing written notification to the Monitoring Officer.
- (3) Where you have a Disclosable Pecuniary Interest in any matter to be dealt with, or being dealt with, by you acting alone in the course of discharging a function of the Authority (including making a decision in relation to the matter), then if the interest is not registered in the Register of Members' Interests and is not the subject of a pending notification, you must notify the Monitoring Officer before the end of 28 days beginning with the day you become aware of the existence of the interest.

Declaring Interests

5. (1) Whether or not a Disclosable Pecuniary Interest has been entered onto the Register of Members' Interests or is the subject of a pending notification, you must comply with the disclosure procedures set out below.
- (2) Where you are present at a Meeting and have a Disclosable Pecuniary Interest or Other Significant Interest in any matter to be considered, or being considered, at the Meeting, you must:
- (a) disclose the Interest; and
 - (b) explain the nature of that Interest at the commencement of that consideration or when the Interest becomes apparent (subject to paragraph 6, below); and unless you have been granted a dispensation or are acting under paragraph 5(4):
 - (c) not participate in any discussion of, or vote taken on, the matter at the Meeting; and
 - (d) withdraw from the Meeting room in accordance with the Authority's Procedure Rules whenever it becomes apparent that the business is being considered; and
 - (e) not seek improperly to influence a decision about that business.
- (3) Where you have a Disclosable Pecuniary Interest or Other Significant Interest in any business of the Authority where you are acting alone in the course of discharging a function of the Authority you must:
- (a) notify the Monitoring Officer of the interest and its nature as soon as it becomes apparent; and
 - (b) not take any steps, or any further steps, in relation to the matter except for the purpose of enabling the matter to be dealt with otherwise than by you; and
 - (c) not seek improperly to influence a decision about the matter.
- (4) Where you have an Other Significant Interest in any business of the Authority, you may attend a Meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the Meeting for the same purpose. Having made your representations, given evidence or answered questions you must:
- (a) not participate in any discussion of, or vote taken on, the matter at the Meeting; and
 - (b) withdraw from the Meeting room in accordance with the Authority's Standing Orders.

Sensitive Interests

6. (1) Where you consider that the information relating to any of your Disclosable Pecuniary Interests is a Sensitive Interest, and the Monitoring Officer agrees, the Monitoring Officer will not include details of the Sensitive Interest on any copies of the Register of Members' Interests which are made available for inspection or any published version of the Register, but may include a

statement that you have an interest, the details of which are withheld under this paragraph.

- (2) You must, before the end of 28 days beginning with the day you become aware of any change of circumstances which means that information excluded under paragraph 6(1) is no longer a Sensitive Interest, notify the Monitoring Officer asking that the information be included in the Register of Members' Interests.
- (3) The rules relating to disclosure of Interests in paragraphs 5(2) and (3) will apply, save that you will not be required to disclose the nature of the Sensitive Interest, but merely the fact that you hold an interest in the matter under discussion.

Gifts and Hospitality

7. (1) You must, before the end of 28 days beginning with the day of receipt/acceptance, notify the Monitoring Officer of any gift, benefit or hospitality with an estimated value of £100 or more, or a series of gifts, benefits and hospitality from the same or an associated source, with an estimated cumulative value of £100 or more, which are received and accepted by you (in any one calendar year) in the conduct of the business of the Authority, the business of the office to which you have been elected or appointed or when you are acting as representative of the Authority. You must also register the source of the gift, benefit or hospitality.
- (2) Where any gift, benefit or hospitality you have received or accepted relates to any matter to be considered, or being considered at a Meeting, you must disclose at the commencement of the Meeting or when the interest becomes apparent, the existence and nature of the gift, benefit or hospitality, the person or body who gave it to you and how the business under consideration relates to that person or body. You may participate in the discussion of the matter and in any vote taken on the matter, unless you have an Other Significant Interest, in which case the procedure in paragraph 5 above will apply.
- (3) You must continue to disclose the existence and nature of the gift, benefit or hospitality at a relevant Meeting, for 3 years from the date you first registered the gift, benefit or hospitality.
- (4) The duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the Authority for this purpose.

Dispensations

8. (1) The Authority or any committee or sub-committee of the Authority, or the Clerk (where authorised) may, on a written request made to the Clerk (as appointed Proper Officer for the receipt of applications for dispensation) by a Member with an Interest, grant a dispensation relieving the Member from either or both of the restrictions on participating in discussions and in voting (referred to in paragraph 5 above).

- (2) A dispensation may be granted only if, after having had regard to all relevant circumstances, the Authority or any committee, or sub-committee of the Authority, or the Clerk (where authorised) considers that::
- (a) without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business; or
 - (b) without the dispensation, the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business; or
 - (c) granting the dispensation is in the interests of persons living in the Authority's area; or
 - (d) it is otherwise appropriate to grant a dispensation.
- (3) A dispensation must specify the period for which it has effect, and the period specified may not exceed four years.
- (4) Paragraph 5 above does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this paragraph 8.

THE SEVEN PRINCIPLES OF PUBLIC LIFE

In accordance with the Localism Act 2011, and in order to help maintain public confidence in this Authority, you are committed to behaving in a manner that is consistent with the following principles. However, it should be noted that these Principles do not create statutory obligations for Members and do not form part of the Code. It follows from this that the Authority cannot accept allegations that they have been breached.

SELFLESSNESS: You should act solely in terms of the public interest and never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.

INTEGRITY: You should exercise independent judgment and not compromise your position by placing yourself under obligations to outside individuals or organisations who might seek to influence you in the performance of your official duties. You should behave in accordance with all legal obligations, alongside any requirements contained within this Authority's policies, protocols and procedures, including on the use of the Authority's resources. You should value your colleagues and staff and engage with them in an appropriate manner and one that underpins the mutual respect that is essential to good local government. You should treat people with respect, including the organisations and public you engage with and those you work alongside.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, you should make choices on merit. You should deal with representations or enquiries from residents, members of the communities and visitors fairly, appropriately and impartially. You should champion the needs of the whole community and especially your constituents, including those who did not vote for you.

ACCOUNTABILITY: You are accountable to the public for your decisions and actions and should fully co-operate with whatever scrutiny is appropriate to your office.

OPENNESS: You should be as open and as transparent as possible about all the decisions and actions that you take to enable residents to understand the reasoning behind those decisions and to be informed when holding you and other Members to account. You should give reasons for your decisions and restrict information only when the wider public interest or the law clearly demands it. You should listen to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.

HONESTY: You have a duty to declare interests relating to your public duties and to take steps to resolve any conflicts arising in a way that protects the public interest. You should not allow other pressures, including the financial interests of yourself or others connected to you, to deter you from pursuing constituents' casework, the interests of the Authority's area or the good governance of the Authority in a proper manner.

LEADERSHIP: Through leadership and example you should promote and support high standards of conduct when serving in your public post. You should provide leadership

through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this Authority.

Disclosable Pecuniary Interests, as prescribed by regulations, are as follows:

The descriptions on Disclosable Pecuniary Interests are subject to the following definitions:

"the Act" means the Localism Act 2011

"body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest

"director" includes a member of the committee of management of an industrial and provident society

"land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income

"M" means a member of the relevant authority

"member" includes a co-opted member

"relevant authority" means the authority of which M is a member

"relevant period" means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1), or section 31(7), as the case may be, of the Act

"relevant person" means M or any other person referred to in section 30(3)(b) of the Act (the Member's spouse, civil partner, or somebody with whom they are living as a husband or wife, or as if they were civil partners).

"securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society

Interest	Description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.

	This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority: (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge): (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where: (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.