

Notes of meeting with Councillor Mike Taylor on 27 June, 2014 (10.00 to 10.57)

Present: Councillor Mike Taylor; Councillor Mrs Ann Kemp; Mrs Pat Darby (Platt Parish Council); Julie Beilby (Chief Executive) and Adrian Stanfield (Director of Central Services and Monitoring Officer)

Mr Stanfield opened the meeting by advising that the strength of the Borough Council lay in the positive relationship between officers and members which was based on the principles of mutual trust, courtesy and respect. This also meant that Members respected the professional advice of Officers – that didn't mean that they necessarily had to accept the advice, but they would nevertheless respect it.

He advised that comments made about officers by Cllr Taylor were not acceptable (a point he had made to him at their previous meeting with Steve Humphrey on 9 May) and that there had been a number of subsequent occasions where he had been disrespectful. Some of these had been set out in his email to Cllr Taylor dated 18 June 2014. By way of example, Mr Stanfield invited Cllr Taylor to comment on whether he felt that sending an email to him in response to Counsel's advice, in which Cllr Taylor had commented 'My first response to your email began with b, and ended with cks' was consistent with the principles of trust, courtesy and respect. Cllr Taylor considered that his behaviour was justified by the conduct of the Borough Council towards Borough Green over a number of years.

Mr Stanfield drew a distinction between having a complaint and the manner in which that complaint was made and the officers were addressed.

Cllr Taylor circulated a paper entitled 'Isles Quarry Current Issues' and stated that he had every reason to distrust any senior officer. He advised that he saw no distinction between 'a lie and covering up a lie' and that the foundation of mutual trust was based on a lie.

Mr Stanfield stated that he had a problem with the way in which Cllr Taylor's grievances were expressed to which Cllr Taylor responded 'the first time I express a grievance I will be courteous and friendly, but as time goes by & I meet the same stonewall, I get angry, and I accept that when I get angry I say things that *you might consider inappropriate*, I don't. When Officers treat me and the people of Borough Green with respect, it will be reciprocated'.

With reference to Cllr Taylor's statement that he had been lied to Mr Stanfield reminded him that, following his complaint to the Police, they had found no evidence of criminal conduct. He read to Cllr Taylor the email from Chief Inspector Kirby dated 13 July 2011, in which he had advised Cllr Taylor of the outcome of the Police investigation. Cllr Taylor responded that in his interview with Inspector John Philips (which he said pre-dated the email from Chief Inspector Kirby) the Inspector had advised that malfeasance did not need a financial motive and that no financial motive

had been found. Cllr Taylor reported that Inspector John Phillips stated that malfeasance could occur without a financial motive. Mr Stanfield repeated that Kent Police had advised Cllr Taylor that they could find no evidence of criminal conduct and that it was not a matter which they could investigate. Cllr Taylor stated that he believed that the good relationship between Kent Police and the Borough Council, and particularly the former Leader, had 'influenced' the lack of investigation into his complaint.

Mr Stanfield suggested that Cllr Taylor's approach toward current members and officers appeared to have been influenced by what he perceived as the history of Isles Quarry. Cllr Taylor responded that he wished to discuss issues which had led to the way he approached the Council and its officers.

Mr Stanfield reiterated his advice that there was a clear distinction between a grievance and how that grievance was dealt with. Cllr Taylor advised that he did not accept this distinction, trust had to be earned and the Borough Council had not earned his trust. He stated that the lack of trust arose from how he had been dealt with over issues relating to Isles Quarry. Mr Stanfield reminded him that the purpose of the meeting was to consider his conduct and not Isles Quarry. Cllr Taylor stated that it was clear that he had been lied to by Lindsay Pearson or, if he had not lied, he had compounded the lie by passing it on; Lindsay Pearson said 'this is not construction, this is species related ecological investigation'. Mr Stanfield refuted Cllr Taylor's accusation of lying or 'wilful concealment' by any officers. Cllr Taylor stated that he believed that information he had requested under FOI had been wilfully withheld which had led to him making repeated attempts to gain access to documents which he believed were held by the Council. He felt that it was irrelevant that FOI requests were time limited and that he had been faced with continual blocking and withholding of information by officers. Mr Stanfield advised that he had read all the documentation relating to the FOI request and did not perceive the same sequence of events as stated by Cllr Taylor. He did not see that officers had refused to provide information, and referred to the volume of emails sent to officers by Cllr Taylor which had created a huge amount of work. Cllr Taylor countered that he was seeking an assurance that the planning application had been dealt with according to the conditions applied and stated that there were several apparent violations of the planning conditions.

Mr Stanfield requested evidence of 'a lie' or of 'wilful withholding' of information. He indicated that he felt Cllr Taylor was very quick to categorise behaviour as 'wilful' or 'a lie' when the evidence did not support this. Cllr Taylor stated that he should not have to continually chase information which should be automatically sent to him as a local member. Mr Stanfield referred Cllr Taylor's receipt of copies of the '003 Obstruction Survey' and the 'Ground Obstruction Report' and his confusion over when these had been available and had been supplied to him. Cllr Taylor apologised for failing to realise that the survey had been attached to the email sent by Mr Stanfield on 12 June 2014, although he did not apologise for making the apology 'restricted and ring fenced' as he considered he had been chasing this for months.

Cllr Taylor expressed the belief that the ground obstruction report had been available to the planning officers before it was received (and date-stamped) by Planning Services on 21 May 2014 and claimed that he only received information after raising this issue as a question to full Council, speaking to the Leader and threatening to make a complaint to the Information Commissioner. Cllr Taylor complained that the copy of the survey annexed to the Obstruction Report was in any event illegible, to which Mr Stanfield replied that it was simply a small copy of a much larger scaled plan.

Cllr Taylor presented a 'scenario' whereby planning services could have had possession of a copy of the ground obstruction report by Barton Wilmore in March 2014 when Kirstie Atkins visited the site, and had simply asked for a further copy in May which could be forwarded with a fresh date-stamp. Mr Stanfield stated that there could be no rational response to this 'scenario' as it had absolutely no basis in fact and Cllr Taylor's mistrust of officers did not justify the allegations he made against them. Cllr Taylor responded that he could not envisage a situation where the information had not been provided at the earlier date when the Kirstie Atkins had visited the site. He believed that he could rely on his supposition although he had no evidence to support this. He alleged that a further copy had been requested in May so that this could be date-stamped and forwarded. Mr Stanfield countered that the facts contradicted Cllr Taylor's supposition. In his view, the 'scenario' was ridiculous. Cllr Taylor acknowledged that his view of the Borough Council was 'tainted' by the past treatment of himself and Borough Green residents.

Mr Stanfield raised with Cllr Taylor that none of his previous complaints about the Isles Quarry site had been upheld. Cllr Taylor replied that they had not as previous inspectors/ bodies had decided that the issue was outside their remit. He stated that the 'Standards' system was not effective.

Mr Stanfield reminded Cllr Taylor of their previous conversation about the legal advice taken by the Parish Council in relation to Isles Quarry. Cllr Taylor replied that he believed that a Borough Councillor 'had forged' the Borough Green Plan and that the planning permission had been incorrectly based on three premise (need for housing, contents of village plan and the need to extinguish the lawful development certificates for Isles Quarry). He expressed the belief that there was no valid planning permission for Isles Quarry and that the development was unlawful, although he did not propose to pursue this argument. He stated that Borough Green Parish Council had obtained a draft opinion from Counsel, but they could not afford for this to be turned into a formal opinion. He added that he had however received an opinion with a little 'o' from Counsel when visiting the site, to the effect that the Parish Council could have taken action and stopped the development. He advised that the residents of Borough Green at a public meeting had chosen not to pursue this route as it would have cost too much.

Mr Stanfield restated that the essential purpose of the meeting was to consider the manner in which Cllr Taylor chose to speak to officers and advised that he felt that comments made to him had been professionally disrespectful. Cllr Taylor repeated his accusation that the Director of Central Services instructions to Counsel had been biased and had led to a biased Opinion which had been a waste of the Borough Council's money. Cllr Taylor stated that he had not requested continuous monitoring of the site. He added that Counsel had accepted that monitoring was 'principally' the responsibility of the developer. However, Cllr Taylor claimed that the use of the word 'principally' meant that the local authority retained some responsibility for monitoring in respect of complaints received from local residents.

Mr Stanfield stated that he found Cllr Taylor's comments about the 'flawed' Opinion totally unacceptable. He referred to an email Cllr Taylor had sent to Glenda Egerton, Senior Planning Officer on 25 June 2014, when, in response to an email from Ms Egerton informing Cllr Taylor that she was putting a hard copy of Obstruction Survey 003 in the post, he had responded to say that she needn't bother, adding 'Save the postage and put it towards Adrian's collection to pay back the £1625 he paid for the flawed opinion'. Cllr Taylor complained that Mr Stanfield had read selectively from the email, and that he had in fact thanked Glenda. Mr Stanfield responded by asserting that he was not complaining about the thanks Cllr Taylor had offered to Ms Egerton; rather his dissatisfaction was with the unacceptable comments that followed. Mr Stanfield then read the email from Cllr Taylor in full –

'Dear Glenda

Very much appreciated, but do not bother; I already have the emailed pdf, and had an A2 printed yesterday. Save the postage and put it towards Adrian's collection to pay back the £1625 he paid for the flawed Opinion'

Councillor Mrs Kemp enquired about the overall cost to the Council of dealing with Cllr Taylor's concerns, complaints and requests etc. J Beilby responded that Cllr Taylor had made serious allegations about the planning process, which had been repeated in the Press, and, as a responsible organisation reassurance had been sought for both members and residents. She advised that the cost of seeking Counsel's Opinion had been approximately £1600.

Cllr Taylor repeated his allegation that the Chief Executive and Director of Central Services had previously advised him that, had there been any irregularities in the process leading to the adoption of the LDF, it was too late to do anything about it. Mr Stanfield said Cllr Taylor was now changing the allegation – in the past he had alleged that the Chief Executive and he had said there had been irregularities in the process leading to the adoption of the Local Development Framework. Mr Stanfield reiterated that he had never made any statement to this effect; rather he had said the exact opposite i.e. that there had been no irregularities with the Isles Quarry process. Cllr Taylor commented that 'This is what happens when conversations were not recorded.'

Cllr Taylor stated that the Director of Planning, Housing & Environmental Health and the Director of Central Services had said at the meeting in May that once the planning permission had been issued the only responsibility of the Borough Council in relation to contamination was to receive the Final Verification Report. Mr Stanfield refuted that he or the Director of Planning, Housing and Environmental Health had said these words. Cllr Taylor commented that, in public, the Authority states that it is on top of the contamination issue while it didn't admit to any responsibility to monitor the site. He felt that this was evidenced by the officers not visiting the site from November 2013 until March 2014.

Mr Stanfield repeated his statement that the purpose of the meeting was not the planning application but Cllr Taylor's conduct towards officers. Cllr Taylor stated that he did not and would not trust the Council, that he would not be browbeaten and that the Council could take action via the Joint Standards Committee or for defamation. He stated that the people of Borough Green were his 'masters', not the Borough Council and his behaviour was a response to the way he and the residents of Borough Green had been treated by the planning officers.

J Beilby commented that the officers of the Council were extremely dedicated and did their very best for the community. She expressed concern that Cllr Taylor's comments were not prefaced with 'I believe..' but were expressed as statements. She believed that the Council's officers were dedicated to the community and served the Borough extremely well.

Cllr Taylor agreed wholeheartedly with Julie Beilby, except for the Isles Quarry blind spot. He stated that he wanted the site to be developed safely and wanted information on a daily basis that this was happening. He commented that the Local Plan showed a greater degree of consultation than the LDF and he welcomed the requirements regarding water quality monitoring and piling and believes that is solely because of the kicking by Borough Green.

Mr Stanfield repeated his advice that Cllr Taylor's comments and manner were unacceptable to which Cllr Taylor responded that he would return 'respect' when he received it.