

BOROUGH COUNCIL OF KINGS LYNN AND WEST NORFOLK

MONITORING OFFICER INITIAL ASSESSMENT

DECISION NOTICE

SUBJECT MEMBER: Councillor Terry Parish, Heacham Parish Council	COMPLAINANT: Nigel Marsh
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ALLEGATIONS	<p>I complain about Mr Parish’s slanderous comments against me and my business. Slander is not acceptable language according to the “Local Government Association Model Councillor Code of Conduct 2020.”</p> <p>Issues in question :</p> <p>1: At the planning hearing of 21/00080 Councillor Parish did refer to me or my business as: “A joke” “Illegal campsite” “Ignores and abuses Planning.” “Rogue Developers”</p> <p>2: Repeatedly refers to my business as an “Illegal Campsite “ at the parish council meetings; this is confirmed in the minutes generated of those meeting; see attached.</p> <p>The site is under Enforcement, but the claim is challenged because the court has not yet come to a verdict or heard the case. here is a copy of the hearing in question https://youtu.be/LOPLaJxjCic</p> <p>[background papers provided]</p>
RELEVANT PARTS OF THE CODE OF CONDUCT	<p>The Council’s Code of Conduct for Members contains the following principles:</p> <p>SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.</p> <p>INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.</p> <p>OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.</p> <p>ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.</p> <p>OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.</p> <p>HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.</p>

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

**SUBJECT
MEMBER
RESPONSE**

This refers to a campsite at South Beach Heacham which has never had permission but has persisted for several years due to enforcement notices being ignored or appealed. Heacham Parish Council have always been opposed to it and the public do see it as a 'joke' that it has been allowed to persist – they see it as an abuse of planning rules. The officer time and resources this matter has taken up is certainly not a joke. Public money should never have to be used in the pursuit of individuals or businesses that flout rules. I always reflect the opinions, if justified, of the residents of Heacham Ward.

Mr Marsh has been involved in other ventures in this Borough and, I understand, outside it where action has had to be taken to prevent or limit his operations. As he has little regard for rules which seek to control planning applications but does know how to use others to his advantage I would say, in the respect of planning, he is unprincipled, which is one definition of 'rogue'.

I include records of this Borough's interactions with Mr Marsh. There may be others.

HEACHAM			
19/00295/BOC	CLOSED	Land W of 70 South Beach Road, Heacham Norfolk	Permanently residing on the land and a touring caravan
18/00238/UNAUTU	CLOSED	Marsh View Land SW of 70 South Beach Road Heacham King's Lynn Norfolk PE31 7BB	Tents only on the strip of land outside if the Article 4 Direction
18/00537/BOC	CLOSED	Marsh View Dairy B&B Holiday Lets Land S W of 70 South Beach Road Heacham King's Lynn Norfolk PE31 7BB	BOCs 4, 9, 10 and 11 of approval 12/00197/F - Asbestos/ Highways/Access/ Visibility Splays/Parking - Enf Notice Issued
20/00359/BOC	CLOSED	Norfolk Coast B&B Cottages South Beach Road Heacham Norfolk PE31 7BB	Permanently residing on the land and a touring caravan - PCN Issued
20/00358/BOC	CLOSED	Norfolk Coast B&B Cottages South Beach Road Heacham Norfolk PE31 7BB	BOC 3 of approval 19/01626/F - BOC Notice issued - Agricultural toilet block
BURNHAM OVERY STAITHE			
21/00306/UNAUTU	CLOSED	Land North of A149 Tower Road Burnham Overy Staithe King's Lynn Norfolk PE31 8JB	Injunction issued 24 May 2022 and application 22/00419/F re access/gate is pending an appeal
21/00066/UNAUTU	CLOSED	Land 170M SW Burnham Overy Mill N of Road Burnham Overy Mill Tower Road Burnham Overy Staithe King's Lynn Norfolk PE31 8JB	land maintenance - clearance of ditch etc

	21/00297/HEDGE	CLOSED	Land 170M SW Burnham Overy Mill N of Road Burnham Overy Staithe King's Lynn Norfolk PE31 8JB	Hedge not considered to be substantial
	22/00070/UNOPDE	CLOSED	Land 170M SW Burnham Overy Mill N of Road Burnham Overy Staithe King's Lynn Norfolk PE31 8JB	unauthorised works to access
HOLME-NEXT-THE-SEA				
	21/00286/UNAUTU	CLOSED	Land S of 60 And E of 71 Beach Road Holme next The Sea Norfolk PE36 6LG	Unauthorised Camping use - Injunction for a year only - 31 May 2022
	<p>23/00199/BOC – relates to 21/00080/F and upgrading the access to the site, very likely requires a BOCn. We have also just seen that an appeal has been lodged in relation to Con 2 restricting the use to the holiday accommodation, no start date yet.</p> <p>22/00539/BOC – relates to the configuration of the layout for 12/00197/F, recent application 23/00022/F to vary the plans has been refused. However, an appeal has been lodged.</p> <p>New file required as Heidi noted the use of the agricultural toilet block by campers.</p> <p>18/00382/UNAUTU - Prosecution file still pending, waiting for Tim's advice - Prosecution date scheduled for 19 July 2023</p>			
INDEPENDENT PERSON ASSESSMENT	<p>Whilst the language used is less than perfect, considering the history of Mr Marsh's non-compliance with regulatory matters, it is of little surprise that individuals at the council have expressed their views in this way – they are only human! I believe this falls within the 'robust political debate' allowed for in such environments and no further action should be taken as it would appear enough public money is already being spent on injunctions with Mr Marsh, who perhaps should be unsurprised at such attitudes given his history of unauthorised works and injunctions.</p>			
MONITORING OFFICER ASSESSMENT	<p>I do not uphold the complaint.</p> <p>It is not the role of this investigation to consider in detail the planning history of this site. However, the planning history presented – even if not a comprehensive picture - provides sufficient basis for a reasonable individual to form an adverse view of the site.</p> <p>The way in which Cllr Parish has expressed his opinion is within the limits of free expression afforded to elected representatives.</p> <p>With reference to the Complaints handling code:</p> <ul style="list-style-type: none"> • Is the matter serious enough to warrant the time and expense of further investigation? I do not consider the behaviour complained of would warrant the time and public expense of further investigation. 			

	<ul style="list-style-type: none"> • Does the complaint appear to be politically motivated? There is no evidence of political motivation behind this complaint. • Does the complaint appear to be malicious or vexatious? There is no evidence that this complaint is malicious or vexatious. • Is it about something that happened so long ago that there would be little benefit in taking action now? The conduct complained of is recent enough to warrant assessment. • If proven, would a finding of breach of the Code assist the Authority in its duty to promote and maintain high standards of conduct? Yes • Had the Member acted on the advice of an officer or the Independent Person in relation to the conduct complained of? N/A • Did the conduct arise from lack of experience or training? No • Has the Member apologised for the conduct or was he or she willing to apologise? No • Is the subject matter of the complaint being dealt with through any other complaints, legal or regulatory process. Not so far as the Monitoring Officer is aware.
DECISION	No further action

Date: 16 June 2023

PLEASE NOTE THERE IS NO PROVISION FOR AN INTERNAL APPEAL OR REVIEW OF THIS DECISION. YOU ARE RECOMMENDED TO SEEK INDEPENDENT LEGAL ADVICE IF YOU WISH TO CHALLENGE THIS DECISION