

Statement to Cabinet by Mr Robert Morgan 9th April 2014

I spoke to you at the cabinet meeting in December. The issues I raised then have not been properly addressed. I have been trying to achieve justice from the Council for the last 3 years in respect of my stall in the Guildhall Market.

I do not ask for special treatment, or for your intervention in the legitimate decision-making processes of the Council. I do ask you to do what you can to ensure that those processes are fair, legal and in line with published Council policies and procedures.

Since December, Property Services officers have confirmed that they have now completely and unequivocally withdrawn all threats of action under Section 146 of the Law of Property Act, but planning officers, including the Director of Planning, still refuse to provide any explanation as to why listed building consent is required for the stall.

No officer from either department has attempted to apologise or explain the actions that were found to be at fault by the Ombudsman.

Councillors Gilchrist and Rigby asked the Director of Planning to meet with them and me in an attempt to resolve this issue, but he refused, and made further accusations that I was being vexatious.

He still refuses to provide valid evidence that the stall requires listed building consent. This is not an issue of interpretation of complex precedent or case law, but a simple straightforward interpretation of the relevant Act, supported by English Heritage and central government published guidance, and by local precedent. If he has a case that the stall requires listed building consent, then he should by now have been able to set it out, and to explain why my stall requires consent when other stalls do not.

It seems that no-one holds the Director to account for compliance with clear published Council policies, or for compliance with the law. I state again, for the record, that I am willing to meet with him or his officers, or with any relevant elected member to resolve these issues.

The director and his officers have repeatedly accused me of committing a criminal offence, but they have brought no evidence of this. This itself is an offence under Section 6 of the Human Rights Act, which is the right to a timely and fair trial. For the purpose of the Act, using the Council's Planning Enforcement Policy to test the accusations could be considered a fair trial, but The Council has refused to take this action, despite requests to do so by Councillor Rigby and MP Don Foster.

This refusal to comply with the basic provisions of the Human Rights Act amounts to another criminal offence, that of Misconduct in Public Office, and the bullying and discrimination against us are also misconduct under the Council's Disciplinary Procedure.

You might ask why I have put myself to all this trouble. That brings up another problem. At no time have officers ever explained what the policy is, or what I would need to do to my stall to bring it into compliance. The Code of Conduct requires officers to follow best practice. In this case, best practice, according to English Heritage, is to analyse the value of both the Historic Asset and the Conservation Area in which it stands, and to produce area appraisals and management plans setting out what are the key characteristics that need to be preserved, and how that preservation is to be achieved. This has not been done, so there is no agreed baseline against which any proposals for development can be assessed.

Officers have wasted hundreds of hours, and hence thousands of pounds of Council money, in pursuing this vendetta against me, without ever addressing the true issues. The case has highlighted multiple problems with the way that the Council works, and I look to you for suitable remedies.