

## **Statement to Cabinet by Mr Robert Morgan 4<sup>th</sup> December 2013**

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.

I submitted a complaint under the Council's complaints procedure. The procedure says that deficiencies will be remedied and action taken to avoid similar complaints in the future. I have since discovered that my complaint was very similar to one raised about another stall in the market in 2006. This was investigated at Stage 2 of the Complaints Procedure, but the recommendations of the investigating officer have not been implemented. In my case, officers refused to investigate my complaint at Stage 2 of the Council's Complaints Procedure, and directed me to escalate it to the Local Government Ombudsman.

Perhaps they felt secure in the knowledge that the odds of getting a finding of fault against a Council from the Ombudsman are about 1 in 150. However, the Ombudsman has now issued her final view and has found the Council at fault in every area where she was able to comment.

Officers have contravened the Law of Property Act 1925 by putting my tenancy into an unofficial and unauthorised "in dispute" status, without taking the actions prescribed by the Act.

They claim that I have committed a criminal offence under the Listed Building Legislation but have brought no proof, neither have they explained why my interpretation of the Act is incorrect. I have shown them the Central Government Guidance that lays out the tests as to whether an offence has been committed, and I have asked that, if they do allege that an offence has been committed, they follow the Council's published Planning Enforcement Policy to test that allegation. This they have failed to do.

By repeating the allegation of criminality and refusing to withdraw it, officers have committed an offence under Section 6 of the Human Rights Act. Under the Act, I should be presumed innocent until found guilty, and I should be given a timely and fair trial.

My first question to officers when I was offered tenancy of the stall was "What are the criteria against which any request to make changes to the stall will be assessed? One would think that this was a fairly simple question, and one that should elicit a straightforward answer. Not a bit of it. Although English Heritage Guidance recommends that Local Authorities should have a Conservation Management Plan for assets in their possession, officers in Bath have decided to ignore this best practice guidance, as they have also apparently decided to ignore the findings of a historical survey of the market by an independent expert. Production of this survey was the only recommendation from the previous complaint that was acted upon.

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.