

Where you have not previously notified the Monitoring Officer of that disclosable pecuniary interest you must also do so within 28 days of the date of the meeting at which it became apparent.

2.2. Subject to paragraph 4 (*dispensations*), if you are aware that you have a disclosable pecuniary interest in any matter on which either:

- (a) you are authorised to make decisions, or
- (b) you are consulted by an officer discharging powers delegated to them,

you must not, in relation to (a) above, take any decision on that matter or, in relation to (b) above, participate in any consultation with such officer in respect of that matter.

Where you have not previously notified the Monitoring Officer of that disclosable pecuniary interest you must do so within 28 days of the date on which it became apparent.

2.3. You may participate in any business of the Council where that business relates to the Council's functions in respect of:-

- (a) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
- (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 the 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 councillors or co-opted members;
- (e) any ceremonial honour given to councillors; and
- (f) setting Council Tax or a precept under the Local Government Finance Act 1992.

3. Registration and Disclosure of Non-Pecuniary Interests

3.1. You have a non-pecuniary interest in any business of the Council where it relates to or is likely to affect

- (i) any body to which you are appointed or nominated to by the Council;
- (ii) any body, of which you are a member, which exercises functions of a public nature; or is directed to charitable purposes; or is one of whose principal purposes includes the influencing of public opinion or policy (including any political party or trade union),
- (iii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50;

3.2. Where you attend a meeting of the Council, and you have a non-pecuniary interest in any business being considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent. The existence and disclosure of a non-pecuniary interest does not prevent you from taking part in the debate and voting on that business.

3.3. Sub-paragraph 3.2 only applies where you are aware or ought reasonably to be aware of the existence of the non-pecuniary interest.

3.4. You must, within 28 days of

(a) this Code being adopted by the Council; or

(b) your election or appointment to office (where that is later),

register in the Council's register of members' interests details of your non-pecuniary interests where they fall within a category mentioned in paragraph 3.1 by providing written notification to the Council's Monitoring Officer.

3.5. You must, within 28 days of becoming aware of any changes to your non-pecuniary interests, register details of those changes in the Council's register of members' interests.

3.6. Entries in the register of interests will be removed once the person concerned no longer has the interest, or is neither a councillor nor a co-opted member of the Council.

4. Dispensations

4.1. A councillor or co-opted member with a disclosable pecuniary interest in a matter may submit a written request to the Monitoring Officer for the grant of a dispensation allowing that councillor or co-opted member to participate in any discussion and/or vote on that matter at a meeting.

4.2. The Monitoring Officer may, after having had regard to all relevant circumstances, grant a dispensation to the councillor or co-opted member only if, he/she considers that without the dispensation:

(a) the number of persons prohibited from participating in any particular business in relation to the matter would be so great a proportion of the body transacting the business as to impede the transaction of that business, or

(b) considers that without the dispensation each member of the Executive would be prohibited from participating in any particular business to be transacted by the Executive in relation to the matter.

4.3. The Standards Hearing and Determination Committee may, after having had regard to all relevant circumstances, grant a dispensation to the councillor or co-opted member only if, the Committee considers that:

(a) without the dispensation the representation of different political groups on the body transacting the particular business would be so upset as to alter the likely outcome of any vote relating to that business, or

(b) granting the dispensation is in the interests of persons living in the borough, or

(c) it is otherwise appropriate to grant the dispensation.

4.4. Any dispensation granted must specify the period for which it has effect, and the period specified may not exceed four years.

5. Sensitive Information

5.1. Sub-paragraphs 5.2 and 5.3 apply where:

(a) a councillor or co-opted member of the Council has an interest (whether or not a disclosable pecuniary interest), and

(b) the nature of the interest is such that the councillor or co-opted member, and the Monitoring Officer, consider that disclosure of the details of the interest could lead to the councillor or co-opted member, or a person connected with that councillor or co-opted member, being subject to violence or intimidation.

5.2. If the interest is entered in the register of interests, copies of the register that are made available for inspection, and any version of the register published on the Council's website, must not include details of the interest (but may state that the councillor or co-opted member has an interest the details of which are withheld under this provision of the Code).

5.3. Where a disclosable pecuniary interest is not entered on the register of interests and would otherwise require disclosure at a meeting, the councillor or co-opted member shall be entitled to merely disclose at the meeting the fact that they have such an interest in the matter concerned.

6. Acceptance of Gifts and Hospitality

6.1. As a councillor or co-opted member of the Council you must avoid accepting any gift, hospitality or other favour which could give the impression of compromising your honesty or objectivity. In particular, you

(a) should avoid any behaviour which might reasonably be seen as motivated by personal gain;

(b) should exercise caution in accepting any gifts or hospitality which are (or which you might reasonably believe to be) offered to you because you are a councillor or co-opted member;

(c) should never accept significant gifts or hospitality (i.e. anything with a value of £50 or more) from suppliers or contractors seeking to acquire or develop business with the Council; and

(d) must register any gift you receive or hospitality you accept (of a value of £50 or more) in the register of interests maintained by the Council.

6.2. The requirement to register the acceptance of hospitality of a value of £50 or more does not apply to Councillors undertaking Mayoral duties or when representing the Council at mayoral engagements. A list of current Mayoral Engagements is published on the Council's Website.

7. Pre-determination or bias

7.1. Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you should not be prohibited from participating in a decision in your political role as councillor, however you should not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

7.2. When making a decision, you should always consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.

Annex A

The Schedule to the Relevant Authorities (Disclosable Pecuniary Interest) Regulations 2012

Subject	Prescribed description
Employment, office, trade, profession or vocation	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)

	<p>(a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person</p> <p>has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where</p> <p>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(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.</p>

*Note "M" means a member or co-opted member of the Council.

Letter from [REDACTED] dated 8 November 2018



Our Ref: [REDACTED]

08th November 2018

Mr R. Lingard
Local Government Investigations
7 Downside Road
Guildford
Surrey
GU4 8PH

Dear Mr Lingard

[REDACTED]
Planning Application Ref [REDACTED]

Further to our meeting of earlier this week, I, having now read through the Council's Members Code of Conduct, and would like to raise the specific areas of the Code of Conduct, where, I believe, Cllr Gandhum has failed to adhere and indeed has breached the code.

General Provisions Part 1

(a) 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.

Cllr Gandhum has not acted either in a selfless way or in the public interest, rather he has acted to further his own personal interest for financial gain at the expense of my Client.

(b) 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.





Cllr Gandhum, through his behaviour in offering my client questionable planning advice, whilst pressurising my Client to sell her land to him, as well as being disparaging of my Client's planning consultant, has then sought to undermine the due process of the planning application, as such Cllr Gandhum has not acted with integrity as required by the Code of Conduct.

(c) 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.

Not applicable

(d) 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.

Cllr Gandhum failed to disclose to the Parish Council that he had made a financial offer to my client to purchase the site for which the planning application was being considered at the Parish meeting.

(e) 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.

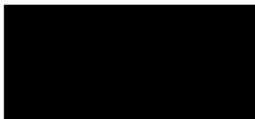
Cllr Gandhum has not acted in an open manner. He has not declared a pecuniary and prejudicial interest in my client's planning application and has worked to undermine the due planning process.

(f) 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.

Cllr Gandhum has failed to act honestly in this matter, failing to disclose a private interest in my client's planning application, has lied to my Client about not being responsible for calling the planning application to the Planning Committee and lied and spoken slanderously about my Client's Planning Consultant.

(g) Leadership. Holders of public office should promote and support these principles by leadership and example.

Cllr Gandhum has shown poor leadership and has failed to lead by example.



General Obligation

2.1. You must treat others with respect.

Cllr Gandhum has not treated my client with respect nor has he treated my Client's professional planning consultant with the appropriate professional courtesy. Indeed, he has made slanderous and completely untrue statements to the Client regarding her planning consultant.

2.4 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute, or in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct by councillors and co-opted members.

Cllr Gandhum has failed to conduct himself in an appropriate manner as a Councillor of Surrey Heath Borough Council and has brought the office of Councillor and the Council into disrepute.

2.5. You:-

(a) must not use or attempt to use your position as a councillor or co-opted member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

(b) must, when using or authorising the use by others of the Council's resources:-

i. act in accordance with the Council's reasonable requirements;

Cllr Gandhum has used his position as a Councillor inappropriately to advantage his own personal agenda, to the detriment of my Client. Has used the Council's procedures which enable Councillors to call planning applications to Committee to delay and undermine my Clients planning application. Implied that he has sought professional planning advice from the planning officers, yet has given my Client poor planning advice.

We do not consider that Cllr Gandhum has acted within the Council's reasonable requirements and has looked to further his own private interests rather than uphold the standards that are required of a Councillor.



- 2.7. *You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.*

Cllr Gandhum has not given true and honest reasons for the decisions he has taken to both speak at the Parish Council on the current planning application and then to call the planning application to the Planning Committee.

PART 2

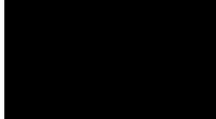
Interests

- 1.1. *As a councillor or co-opted member of the Council you must avoid participating in any decision where you could reasonably be seen as having an interest which compromises your honesty or objectivity. Equally you should avoid any action which might reasonably lead others to conclude that you were not acting selflessly or with integrity. In order to assist with this and to promote openness and accountability, the Monitoring Officer must, by law, establish and maintain a register of interests, open for inspection by the public at the Council's offices and publicly accessible on the Council's website.*

Cllr Gandhum has failed to adhere to the above requirement. He has participated in the decision-making process without declaring an interest, which we contend compromises his honesty and objectivity. His actions have shown him to have acted selfishly for his own interests and without integrity befitting of an elected Councillor.

2. Disclosure of Disclosable Pecuniary Interests and participation in decision making

- 2.1. *Subject to paragraph 4 (dispensations), if you are present at any meeting and you are aware that you have a disclosable pecuniary interest in any matter that will be, or is being, considered at that meeting, you must, irrespective of whether that interest has been registered:*
- (a) disclose the nature of the interest to the meeting (or, if it is a sensitive interest as described in paragraph 5 below, disclose merely the fact that it is a disclosable pecuniary interest);*
 - (b) not participate in any discussion or vote regarding that matter; and*
 - (c) withdraw immediately from the room or chamber (including the public gallery) where the meeting considering that matter is being held.*



Where you have not previously notified the Monitoring Officer of that disclosable pecuniary interest you must also do so within 28 days of the date of the meeting at which it became apparent.

Cllr Gandhum has failed to disclose a pecuniary interest and has continued to participate in the decision-making process. He failed to disclose his interest in my Client's planning application when it came before the Parish Council and has failed to declare his interest when calling the planning application to the Planning Committee.

2.2. *Subject to paragraph 4 (dispensations), if you are aware that you have a disclosable pecuniary interest in any matter on which either:*

(a) you are authorised to make decisions, or

(b) you are consulted by an officer discharging powers delegated to them,

you must not, in relation to (a) above, take any decision on that matter or, in relation to (b) above, participate in any consultation with such officer in respect of that matter.

Cllr Gandhum has breached the above criteria 2.2, he was fully aware that he had made an offer to purchase my Client's property, had given my Client planning advice (which was incorrect) and then participated in the discussion on the planning application at the Parish Council and then requested the application be reported to the Planning Committee, when notified by the planning case officer, that he was minded to deal with the application at officer level.

I trust the above is of assistance.

Yours Sincerely,



Director

WINDLESHAM PARISH COUNCIL CODE OF CONDUCT

**Windlesham Parish Council
Members Code of Conduct**

Introduction

Pursuant to section 27 of the Localism Act 2011, Windlesham Parish Council ('the Council') has adopted this Code of Conduct to promote and maintain high standards of behaviour by its members and co-opted members whenever they conduct the business of the Council, including the business of the office to which they were elected or appointed, or when they claim to act or give the impression of acting as a representative of the Council.

This Code of Conduct is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.

Definitions

For the purposes of this Code, a 'co-opted member' is a person who is not a member of the Council but who is either a member of any committee or sub-committee of the Council, or a member of, and represents the Council on any joint committee or joint sub-committee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

For the purposes of this Code, a 'meeting' is a meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.

For the purposes of this Code, and unless otherwise expressed, a reference to a member of the Council includes a co-opted member of the Council.

Adopted FC C/16/213 28/02/17

Member obligations

When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he/she has the following obligations

1. He/she shall behave in such a way that a reasonable person would regard as respectful
2. He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory
3. He/she shall not seek to improperly confer an advantage or disadvantage on any person
4. He/she shall use the resources of the Council in accordance with its requirements.
5. He/she shall not disclose information which is confidential or where disclosure is prohibited by law.

Registration of interests

6. Within 28 days of this Code being adopted by the Council, or the member's election or the co-opted member's appointment (where that is later), he/she shall register with the Monitoring Officer the interests which fall within the categories set out in Appendices A and B
7. Upon the re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register with the Monitoring Officer any interests in Appendices A and B.
8. A member shall register with the Monitoring Officer any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it

Adopted FC C/16/213 28/02/17

9. A member need only declare the existence but not the details of any interest which the Monitoring Officer agrees is a 'sensitive interest'. A sensitive interest is one which, if disclosed on a public register, could lead the member or a person connected with the member to be subject to violence or intimidation.

Declaration of interests at meetings

10. Where a matter arises at a meeting which relates to an interest in Appendix A the member shall not participate in a discussion or vote on the matter. He/she only has to declare what his/her interest is if it is not already entered in the member's register of interests or if he/she has not notified the Monitoring Officer of it.
11. Where a matter arises at a meeting which relates to an interest in Appendix A which is a sensitive interest, the member shall not participate in a discussion or vote on the matter. If it is a sensitive interest which has not already been disclosed to the Monitoring Officer, the member shall disclose he/she has an interest but not the nature of it.
12. Where a matter arises at a meeting which relates to an interest in Appendix B, the member shall not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting.
13. A member only has to declare his/her interest in Appendix B if it is not already entered in his/her register of interests or he/she has not notified the Monitoring Officer of it or if he/she speaks on the matter. If he/she holds an interest in Appendix B which is a sensitive interest not already disclosed to the Monitoring Officer, he/she shall declare the interest but not the nature of the interest.
14. Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest of a person in Appendix A), the member shall disclose the nature of the interest and not vote on the matter. He/she may speak on the matter only if members of the public are also allowed.

Adopted FC C/18/213 28/02/17

to speak at the meeting. If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.

Dispensations

15. On a written request made to the Council's proper officer, the Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if he/she has an interest in Appendices A and B if the Council believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business, or it is in the interests of the inhabitants in the Council's area to allow the member to take part or it is otherwise appropriate to grant a dispensation.

This policy will be reviewed annually or earlier if so required by legislation or additional material.

Adopted FC C/16/213 28/02/17

COPY OF NOTE OF ALLEGED TERMS FOR PURCHASE OF PROPERTY

You apply for Section 336 to be removed. (OPTION)

We will Solicitor Fee. £1000.-

Genuine buyers:-

Save 1.5% Fee:-

£1 million.

 Surinder. £2015

Gandum

E MAIL EXCHANGE RE APPLICATION CALL-IN

Karen Limmer

From: [REDACTED]
Sent: 28 September 2018 15:11
To: Karen Limmer
Subject: [REDACTED]

Hi Karen

Yes it was - will forward you his email now.

[REDACTED]

From: Karen Limmer
Sent: 28 September 2018 14:55:14
To: [REDACTED]
Subject: FW: [REDACTED]

Hi [REDACTED]

Has this been called in by Cllr Gandhum?

Karen

From: Cllr Edward Hawkins
Sent: 24 September 2018 12:12
To: Jenny Richard; Karen Limmer
Subject: [REDACTED]

Dear both

I have had phone call this morning from the applicant for the above. She says that Cllr Gandhum has recently made an offer to fund legal costs and to purchase the property. Subsequent to the offer to purchase he then, she says, calls in the application.

The application is for the Removal of condition 7 of [REDACTED] requiring agricultural occupancy of bungalow at [REDACTED] and discharge of section 52 agreement under [REDACTED] restricting use of the site to agriculture and the parking of two HGV vehicles.

She is concerned that the call in and background will harm her application and asked for my views. I was non committal and said that I would look into it

Suggestions please

Regards

Edward

Karen Limmer

From: [REDACTED]
Sent: 28 September 2018 15:13
To: Karen Limmer
Subject: [REDACTED]

From: ssgandhum [REDACTED]
Sent: 08 September 2018 15:59
To: [REDACTED]
Cc: [REDACTED]
Subject: [REDACTED]

Dear [REDACTED]

I refer to above application would like to call it in the property is subject to an agricultural tie, Occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in section 336 of the Town and Country Planning Act 1990. Or in forestry, or a dependent of such a person residing with him or her, or a widow or widower of such a person.

The details seen that proper notices have not been served to the appropriate departments and the time allowed.

Kind regards

S.S. Gandhum

Sent from my iPad

APPENDIX 7

Email from [REDACTED] to Richard Payne of 14 February 2012

Richard Payne

From: [REDACTED]
Sent: 14 February 2012 09:16
To: Richard Payne
Cc: [REDACTED] Karen Whelan; [REDACTED]
Subject: RE: Cllr Surinder Gandhum
Sensitivity: Confidential

Richard

Cllr Gandhum duly turned up last night.

I had a quiet word with him and he left the chamber for the [REDACTED]. He was slightly reluctant about it and said that he had already stayed in the chamber and voted on the matter last time. This is obviously a breach of the code (he admitted that he approached [REDACTED] in the car park last summer with an offer to buy the land-but he asserted that he was acting on behalf of some third party).

I strongly suggest that you have another word with him as MO. This was potentially a serious breach that the police may well have been interested in. The permission was granted 7:6.

[REDACTED]