

EAST HERTFORDSHIRE DISTRICT COUNCIL

STANDARDS COMMITTEE

PROCEDURE FOR LOCAL STANDARDS HEARINGS WHERE THE ETHICAL STANDARDS OFFICER HAS REFERRED A CASE TO THE STANDARDS COMMITTEE

1. INTERPRETATION

- (a) "Member" means the Member of the authority who is the subject of the allegation being considered by the Committee, unless stated otherwise. It also includes the Member's nominated representative.
- (b) "Investigator" means the Ethical Standards Officer (ESO) who referred the report to the authority, and includes his or her nominated representative. In the case of matters that have been referred for local investigation, references to the investigator mean the person appointed by the Monitoring Officer to undertake that investigation (which may include the Monitoring Officer, and his or her nominated representative).¹
- (c) "The Matter" is the subject matter of the investigator's report.
- (d) "The Committee" refers to the Standards Committee or to any Standards Sub-Committee to which it has delegated the conduct of the hearing.
- (e) "The Committee Support Officer" means an officer of the authority responsible for supporting the Committee's discharge of its functions and recording the decisions of the

¹ This definition has been amended to make it clear that, when the Monitoring Officer arranges for someone else to undertake the investigation, the definition of the "Investigator" no longer includes the Monitoring Officer

Committee.

- (f) "Legal Advisor" means the officer responsible for providing legal advice to the Committee. This may be the Monitoring Officer, another legally qualified officer of the authority, or someone appointed for this purpose from outside the authority.²
- (g) "The Chairman" refers to the person presiding at the hearing.

2. MODIFICATION OF PROCEDURE

The Chairman may agree to vary this procedure in any particular instance where the Chairman is of the opinion that such a variation is necessary in the interests of fairness.

3. REPRESENTATION

The Member may be represented or accompanied during the meeting by a solicitor, counsel or, with the permission of the committee, another person. Note that the cost of such representation must be met by the Member, unless the Committee has expressly agreed to meet all or any part of that cost.³

4. LEGAL ADVICE

The Committee may take legal advice from its legal advisor at any time during the hearing or while they are considering the outcome. The substance of any legal advice given to the Committee should be shared with the Member and the investigator if they are

² In practice, the matter is referred by the ESO to the Monitoring Officer, who is then responsible for reporting the matter to the Committee. It is therefore convenient for the Monitoring Officer to conduct the pre-hearing process, except in so far as the Member requires it to be conducted at a meeting of the Committee, and to present the introductory report to the Committee at the commencement of the hearing. Where the Monitoring Officer is not legally qualified, he/she will need to ensure that a suitably qualified person is available to provide legal advice to the Committee. It is obviously preferable that any such separate legal advisor be present throughout the hearing, in order to be able to provide such advice against an understanding of the context in which the advice is given.

³ Once regulations are made under Section 100 of the Local Government Act 2000, authorities will have a discretion to provide an indemnity to Councillors in specified circumstances.

present.⁴

5. SETTING THE SCENE

At the start of the hearing, the Chairman shall introduce each of the Members of the Committee, the Member (if present), the investigator (if present) and any other officers present, and shall then explain the procedure which the Committee will follow in the conduct of the hearing.

6. PRELIMINARY PROCEDURE ISSUES

The Committee shall then deal with the following preliminary procedural matters in the following order:

(a) Disclosures of interest

The Chairman shall ask Members of the Committee to disclose the existence and nature of any personal or prejudicial interests which they have in the matter, and to withdraw from consideration of the matter if so required.

(b) Quorum

The Chairman shall confirm that the Committee is quorate.⁵

(c) Hearing procedure

The Chairman shall confirm that all present know the

⁴ In the interests of openness, the Committee may prefer to receive any such advice in the main hearing room in the presence of the investigator and the Member. Where this is not practicable, the legal advisor should repeat in the presence of the investigator and the Member the advice which he/she has tendered.

⁵ A meeting of the Committee is not quorate unless at least three Members of the Committee are present for the duration of the meeting. The three Members must include at least one Independent Member, unless an Independent Member would have been present but was precluded from participating in any of the business of the Committee in consequence of a prejudicial interest under the Council's Code of Conduct. If the Committee is responsible for Parish Council matters, it must include at least one Parish Council representative amongst its Members. However it is only a requirement that the parish representative is actually present when the Committee is dealing with a parish matter. Parish Sub-Committees, convened to deal with a parish matter, must have a parish representative as a Member of the Sub-Committee, but there is not requirement for him/her actually to attend the meeting for it to be quorate.

[The Relevant Authorities (Standards Committee) Regulations 2001, Regulations 3 and 6 SI 2001 No. 2812].

procedure which the Committee will follow in determining the matter.

(d) Proceeding in the absence of the Member

If the Member is not present at the start of the hearing:

- (i) the Chairman shall ask the Monitoring Officer whether the Member has indicated his/her intention not to attend the hearing;
- (ii) the Committee shall then consider any reasons which the Member has provided for not attending the hearing and shall decide whether it is satisfied that there is sufficient reason for such failure to attend;
- (iii) if the Committee is satisfied with such reasons, it shall adjourn the hearing to another date;
- (iv) if the Committee is not satisfied with such reasons, or if the Member has not given any such reasons, the Committee shall decide whether to consider the matter and make a determination in the absence of the Member or to adjourn the hearing to another date.

(e) Exclusion of Press and Public

The Committee may exclude the press and public from its consideration of this matter where it appears likely that confidential or exempt information will be disclosed in the course of this consideration.

The Chairman shall ask the Member, the investigator and the legal adviser to the Committee whether they wish to ask the Committee to exclude the Press or public from all or any part of the hearing. If any of them so request, the Chairman shall ask them to put forward reasons for so doing and ask for responses from the others and the Committee shall then determine whether to exclude the press and public from all or any part of the hearing.

Where the Committee does not resolve to exclude press and public, the agenda and any documents which have been

withheld from the press and public in advance of the meeting shall then be made available to the press and public.

7. A FAILURE TO COMPLY WITH THE CODE OF CONDUCT⁶

The Committee will then address the issue of whether the Member failed to comply with the Code of Conduct in the manner set out in the investigator's report.⁷

(a) The Chairman shall ask the Member to confirm that he/she maintains the position as set out in the pre-hearing summary.

(b) The Pre-Hearing Process Summary

The Chairman will ask the legal advisor or the Committee Support Officer⁸ to present his/her report, highlighting any points of difference in respect of which the member has stated that he/she disagrees with any finding of fact in the investigator's report. The Chairman will then ask the Member to confirm that this is an accurate summary of the issues and ask the Member to identify any additional points

⁶ The model procedure recommended by the Standards Board suggests that the Committee should first determine findings of fact and then determine whether there has been a failure to comply with the Code of Conduct. It is suggested that these two are so closely connected that the Committee may find that it can conveniently determine the two together without any loss of fairness.

⁷ Note that the Committee's consideration is limited to a possible failure to comply with the Code of Conduct in the terms set out in the investigator's report. It is possible that, in the course of their consideration, the Committee apprehend that the Member may have failed to comply with the Code of Conduct in some other manner (for example that the Member's alleged failure to treat a person with respect appears also, or in the alternative, to be conduct likely to bring the Member's office or authority into disrespect). Note that, at that stage, the Member will not have had notice of the Committee's consideration of the possible additional or alternative failure and that it would therefore be unfair to proceed to consider that second matter at the hearing into the first alleged failure. Where the Committee do apprehend a possible additional alternative failure, a failure by a different Member, or a failure in respect of the code of conduct of another authority, they should refer the second matter to the Monitoring Officer with a view to a separate allegation being made to the Standards Board for England.

⁸ As set out above, unless conflicted out, it is likely that the Monitoring will:

- (i) take on the conduct of the pre-hearing process;
- (ii) present an introductory report to the Committee at the commencement of the hearing setting out the outcomes of the pre-hearing process;
- (iii) will (if legally qualified) act as the legal advisor to the Committee; and
- (iv) will distribute and publish any required notices of the Committee's determination.

However, there may be reasons in particular cases for the Monitoring Officer to arrange for any or all of these functions to be carried out on his/her behalf.

upon which he/she disagrees with any finding of fact in the investigator's report.

- (i) If the Member admits that he/she has failed to comply with the Code of Conduct in the manner described in the investigator's report, the Committee may then make a determination that the Member has failed to comply with the Code of Conduct in the manner described in the investigator's report and proceed directly to consider whether any action should be taken (Paragraph 9)
- (ii) If the Member identifies additional points of difference, the Chairman shall ask the Member to explain why he/she did not identify these points as part of the pre-hearing process. He/she shall then ask the Investigator (if present) whether he/she is in a position to deal with those additional points of difference directly or through any witnesses who are in attendance or whose attendance at the hearing can conveniently be arranged. Where the Committee is not satisfied with the Member's reasons for failing to identify each additional point of difference as part of the pre-hearing process, it may decide that it will continue the hearing but without allowing the Member to challenge the veracity of those findings of fact which are set out in the Investigator's report but in respect of which the Member did not identify a point of difference as part of the pre-hearing process, or it may decide to adjourn the hearing to allow the Investigator and/or any additional witnesses to attend the hearing.

(c) Presenting the Investigator's report

- (i) If the Investigator is present, the Chairman will then ask the Investigator to present his/her report, having particular regard to any points of difference identified by the Member and why he/she concluded, on the basis of his/her findings of fact, that the Member had failed to comply with the Code of Conduct. The Investigator may call witnesses as necessary to address any points of difference.

- (ii) If the Investigator is not present, the Committee shall only conduct a hearing if they are satisfied that there are no substantial points of difference or that any points of difference can be satisfactorily resolved in the absence of the Investigator. In the absence of the Investigator, the Committee shall determine on the advice of the Monitoring Officer which witnesses, if any, to call. Where such witnesses are called, the Chairman shall draw the witnesses' attention to any relevant section of the Investigator's report and ask the witness to confirm or correct the report and to provide any relevant evidence.
- (iii) No cross-examination shall be permitted but, at the conclusion of the Investigator's report and/or of the evidence of each witness, the Chairman shall ask the Member if there are any matters upon which the Committee should seek the advice of the Investigator or the witness.

(d) The Member's Response

- (i) The Chairman shall then invite the Member to respond to the Investigator's report and to call any witnesses as necessary to address any points of difference.
- (ii) No cross-examination shall be permitted but, at the conclusion of the Member's evidence and/or of the evidence of each witness, the Chairman shall ask the Investigator if there are any matters upon which the Committee should seek the advice of the Member or the witness.

(e) Witnesses

- (i) The Committee shall be entitled to refuse to hear evidence from the Investigator, the Member or a witness unless they are satisfied that the witness is likely to give evidence which they need to hear in order to be able to determine whether there has been a failure to comply with the code of conduct.

- (ii) Any Member of the Committee may address questions to the Investigator, to the Member or to any witness.
- (f) Determination as to whether there was a failure to comply with the Code of Conduct
 - (i) At the conclusion of the Member's response, the Chairman shall ensure that each member of the Committee is satisfied that he/she has sufficient information to enable him/her to determine whether there has been a failure to comply with the code of conduct as set out in the investigator's report.
 - (ii) Unless the determination merely confirms the Member's admission of a failure to comply with the Code of Conduct (as set out in Paragraph 6(a)(i) above), the Committee shall then retire to another room to consider in private whether the Member did fail to comply with the Code of Conduct as set out in the Investigator's report.
 - (iii) The Committee shall take its decision on the balance of probability based on the evidence which it has received at the hearing.
 - (iv) The Committee's function is to make a determination on the matter. It may, at any time, return to the main hearing room in order to seek additional evidence from the Investigator, the Member or a witness, or to seek the legal advice from or on behalf of the Monitoring Officer. If it requires any further information, it may adjourn and instruct an officer or request the Member to produce such further evidence to the Committee.
 - (v) At the conclusion of the Committee's consideration, the Committee shall consider whether it is minded to make any recommendations to the authority with a view to promoting high standards of conduct among Members.
 - (vi) The Committee shall then return to the main hearing room and the Chairman will state the Committee's principal findings of fact and their determination as to whether the Member failed to comply with the Code of

Conduct as set out in the Investigator's report.

8. IF THE MEMBER HAS ADDITIONALLY FAILED TO FOLLOW THE CODE OF CONDUCT

If the Committee determines that the Member has additionally failed to follow the Code of Conduct in the manner set out in the Investigator's report:

- (a) If the Committee apprehends, from the evidence which they have received during the hearing, that a Member has additionally failed to comply with the Code of Conduct (other than the matter which the Committee has just determined), the Chairman shall outline the Committee's concerns and state that the Committee has referred this additional or alternative failure to the Monitoring Officer with a view to a further allegation being made to the Standards Board for England.
- (b) The Chairman should then set out any recommendations which the Committee is minded to make to the authority with a view to promoting high standards of conduct among Members and seek the views of the Member, the Investigator and the legal advisor before the Committee finalises any such recommendations.
- (c) Finally, the Chairman should ask the Member whether he/she wishes the authority not to publish a statement of its finding in a local newspaper.

9. ACTION CONSEQUENT UPON A FAILURE TO COMPLY WITH THE CODE OF CONDUCT

- (a) The Chairman shall ask the Investigator (if present, or otherwise the legal advisor) whether, in his/her opinion, the Member's failure to comply with the Code of Conduct is such that the Committee should impose a sanction and, if so, what would be the appropriate sanction.⁹

⁹ The sanctions which are available to the Committee under the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003, Regulation 7, are any, or any combination, of the following:

"(i) censure of that Member;

- (b) The Chairman will then ask the Member to respond to the Investigator's advice.
- (c) The Chairman will then ensure that each Member of the Committee is satisfied that he/she has sufficient information to enable him/her to take an informed decision as to whether to impose a sanction and (if appropriate) as to the form of the sanction.
- (d) Any Member of the Committee may address questions to the Investigator or to the Member as necessary to enable him/her to take such an informed decision.
- (e) The Chairman should then set out any recommendations which the Committee is minded to make to the authority with a view to promoting high standards of conduct among Members and seek the views of the Member, the Investigator and the legal advisor;
- (f) The Committee shall then retire to another room to consider in private whether to impose a sanction, (where a sanction is to be imposed) what sanction to impose and when that sanction should take effect, and any recommendations which the Committee will make to the authority.
- (g) At the completion of their consideration, the Committee shall return to the main hearing room and the Chairman shall state the Committee's decisions as to whether or not to impose a sanction and (where a sanction is to be imposed) the nature of that sanction, and when it should take effect, together with

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- (ii) restriction for a maximum period of three months of that Member's access to the premises of the authority and that Member's use of the resources of the authority, provided that such restrictions imposed upon the Member -
 - (aa) are reasonable and proportionate to the nature of the breach; and
 - (bb) do not unreasonably restrict the Member's ability to perform his functions and duties as a Member
 - (iii) partial suspension of that Member for a maximum period of three months;
 - (iv) partial suspension of that Member for maximum period of three months or until such time as he submits a written apology or undergoes any training or conciliation specified by the Standards Committee;
 - (v) suspension of that Member for a maximum period of three months;
 - (vi) suspension of that Member for a maximum period of three months or until such time as he submits a written apology or undergoes any training or conciliation specified by the Standards Committee."

Any sanction imposed shall commence immediately unless the Committee direct (for any sanction other than censure) that it shall commence on any date specified by the Committee within six months of the date of the hearing.

the principal reasons for those decisions, and any recommendations which the Committee will make to the authority.

10. THE CLOSE OF THE HEARING

- (a) The Committee will announce its decision on the day of the hearing and provide the Committee Support Officer with a short written statement of their decision, which the Committee Support Officer will deliver to the Member as soon as practicable after the close of the hearing;
- (b) The Chairman will thank all those present who have contributed to the conduct of the hearing and formally close the hearing;
- (c) Following the close of the hearing, the Committee Support Officer will agree a formal written notice of the Committee's determination and the Monitoring Officer shall arrange for the distribution and publication of that notice (or a summary of that notice, where required) in accordance with Regulation 8 of the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003.

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**the
Standards Board
for England**

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**REPORT OF AN INVESTIGATION UNDER SECTION 59 OF THE LOCAL
GOVERNMENT ACT 2000 BY STEVEN KINGSTON, ETHICAL STANDARDS
OFFICER, INTO ALLEGATIONS CONCERNING COUNCILLOR JOHN
HEDLEY**

18 February 2008

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Schedule of evidence taken into account

1 Executive summary

The allegations

- 1.1 Ms Susanne Mead, an officer employed by Hertford Town Council, alleged that on 19 June 2007 Councillor John Hedley, a member of Hertford Town Council, failed to treat her with respect contrary to paragraph 2 (b) of the council's code of conduct, adopted under the Parish Councils (Model Code of Conduct) Order 2001.
- 1.2 I do not consider that Councillor Hedley's conduct on 19 June 2007 was a failure to comply with paragraph 2 (b) of the council's code of conduct.
- 1.3 Ms Mead also alleged that on 26 July 2007 Councillor Hedley failed to treat her with respect when he criticised her in a public area of the council offices. Jane Sartin, a member of the Town Council, alleged that on 26 July 2007 Councillor Hedley acted in a disrespectful, bullying and intimidating manner towards council staff, other councillors and a member of the public.
- 1.4 I have investigated whether Councillor Hedley's conduct on 26 July 2007 was a failure to comply with paragraph 3(1) and 3(2)(b) of the council's code of conduct, adopted under the Parish Councils (Model Code of Conduct) Order 2007.
- 1.5 I consider that Councillor Hedley's conduct towards Ms Mead and another officer on 26 July 2007 failed to comply with paragraph 3 (1) and 3 (2) (b) of the council's code of conduct. I do not consider that Councillor Hedley's conduct towards councillors on that day was a failure to comply with the code.
- 1.6 I have also investigated whether Councillor Hedley's conduct on 26 July 2007, could reasonably be regarded as bringing his office or authority into disrepute, contrary to paragraph 5 of the council's code of conduct, adopted under the Parish Councils (Model Code of Conduct) Order 2007.
- 1.7 I consider that Councillor Hedley's conduct towards Ms Mead and another officer on 26 July 2007 could reasonably be regarded as bringing his office into disrepute, and was a failure to comply with paragraph 5 of the council's code of conduct.
- 1.8 I have also extended my investigation, in accordance with paragraph 59 (1) (b) of the Local Government Act 2000 to investigate further allegations by Mr Peter Butcher, Interim Town Clerk and Councillor Nicholas Wilson, Deputy Mayor of Hertford Town Council relating to Councillor Hedley's conduct towards staff and other members on 11 and 12 October 2007. I have investigated whether Councillor Hedley's conduct on these occasions failed to comply with paragraph 3(1) and 3(2)(b) of the council's code of conduct, adopted under the Parish Councils (Model Code of Conduct) Order 2007. I have also investigated

whether his conduct could reasonably be regarded as bringing his office or authority into disrepute, contrary to paragraph 5 of the code of conduct.

- 1.9 I consider that Councillor Hedley's conduct in telephone calls to another member on 11 and 12 October failed to comply with paragraph 3(1) of the council's code of conduct.

Investigation Outcome

- 1.10 My finding is, pursuant to paragraph 59 (4) (c) of the Local Government Act 2000, that the matters, which are the subject of the investigation, should be referred to the monitoring officer of East Hertfordshire District Council, for determination by the authority's Standards Committee.

2 Councillor Hedley's official details

- 2.1 Councillor Hedley has been a member of Hertford Town Council since May 2003. His current term of office ends in May 2011. Councillor Hedley is also a member of East Hertfordshire District Council.
- 2.2 Councillor Hedley currently serves on the following committees of Hertford Town Council:

Policy, Finance and Administration Committee

Community Services Committee

Planning Sub-Committee

- 2.3 Councillor Hedley gave written undertakings to observe the relevant codes of conduct on 6 May 2003 and 8 May 2007.
- 2.4 Councillor Hedley did not attend a training event on the code of conduct, which was offered to all members following the 2007 council elections.

3 The relevant legislation and protocols

- 3.1 In 2002, the Council adopted a Code of Conduct [SK1] under the Parish Councils (Model Code of Conduct) Order 2001, in which the following paragraphs are included.

- 3.2 Paragraph 1:

"1(1) A member must observe the authority's code of conduct whenever he

(a) conducts the business of the authority;

- (b) *conducts the business of the office to which he has been elected or appointed; or*
- (c) *acts as a representative of the authority, and references to a member's official capacity shall be construed accordingly.*

- (2) *An authority's code of conduct shall not, apart from paragraphs 4 and 5 (a) below, have effect in relation to the activities of a member undertaken other than in an official capacity."*

3.3 Paragraph 2 (b):

"A member must treat others with respect."

3.4 Paragraph 4 :

"A member must not in his official capacity, or any other circumstance, conduct himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute."

3.5 On 23 July 2007, the council adopted a Code of Conduct under the Parish Councils (Model Code of Conduct) Order 2007, in which the following paragraphs are included:

3.6 Paragraph 2:

"(1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you –

- (a) *conduct the business of the authority (which, in this Code, includes the business of the office to which you were elected or appointed); or,*
- (b) *act, claim to act or give the impression you are acting as a representative of your authority,*

and references to your official capacity are construed accordingly."

- (2) *An authority's code of conduct shall not, apart from paragraphs 4 and 5(a) below, have effect in relation to the activities of a member undertaken other than in an official capacity."*

3.7 Paragraph 3:

"(1): You must treat others with respect

- (2) You must not –
 (b) bully any person

3.8 Paragraph 5:

"You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute."

Hertford Town Council's Protocol for Member and Officer Relations

3.9 On 5 February 2007, Hertford Town Council adopted a Protocol for Member and Officer Relations.

3.10 Paragraph 8.2 of the protocol states:

"Officers can expect from councillors:

4. *Respect and courtesy*
6. *Not to be subject to bullying or to be put under undue pressure. Councillors should have regard to the seniority of officers in determining what reasonable requests are, having regard to the power relationship between councillors and officers, and the potential vulnerability of officers, particularly at junior levels."*

3.11 Paragraph 11 of the protocol states:

"11.1 Procedure for officers

1. *From time to time, the relationship between Councillors and Officers may break down or become strained. Whilst it will always be preferable to resolve matters informally, through conciliation by an appropriate manager or Councillors, Officers will have recourse to the Grievance Procedure or to the Monitoring Officer at East Herts Council, as appropriate to the circumstances.*
2. *NOTE: The Monitoring Officer at East Herts Council may be able to offer a mediation/conciliation role or it may be necessary to seek independent advice. The Society of Local Council Clerks, NALC or ACAS may be able to provide an independent person.*

11.2 Procedure for Councillors

In the event that a Councillor is dissatisfied with the conduct, behaviour or performance of an Officer, the matter should be raised with the Town Clerk. Where the Officer concerned is the Town Clerk, the matter should still be raised with the Town Clerk. If the matter cannot be resolved informally, it may be necessary to invoke the Council's disciplinary procedure."

Hertford Town Council's Protocol on Bullying and Harassment

- 3.12 On 5 February 2007, Hertford Town Council also adopted a Protocol on Bullying and Harassment.

- 3.13 Paragraph 4.1 of the protocol states:

"There are many definitions of bullying and harassment. Bullying may be characterised as offensive, intimidating malicious or insulting behaviour, an abuse or misuse of power through means to undermine, humiliate, denigrate or injure the recipient."

4 The evidence gathered and the Ethical Standards Officer's considerations on the evidence

- 4.1 I have taken account of evidence from Councillor Hedley; Ms Mead, Stephen Davies, Bill Sugrue, Linda Bonner, (all employees of Hertford Town Council); Councillors Sartin, Wilson, Geall and Newton. I have also considered documentary evidence provided by Peter Butcher, the Interim Town Clerk of Hertford Town Council and Councillor Geall, Leader of the Council. Copies of relevant documents, including interview records, are included in a schedule of evidence attached as an appendix to this report.
- 4.2 Hertford Town Council's offices are situated in Hertford Castle, which is also used as a venue for weddings and corporate hire. Ms Mead is the council's Marketing Promotions Manager and oversees the organisation of events at the castle and the town's Tourist Information Centre, which is also based at the castle.
- 4.3 Councillor Jane Sartin has been a member of Hertford Town Council since 2004 and is Chair of the council's Development and Leisure Committee.

Councillor Hedley's conduct on 19 June 2007

- 4.4 On 19 June 2007 Councillor Hedley telephoned Susanne Mead twice and instructed her to book a room for a meeting at the castle, which he expected her to attend, to discuss issues relating to building works being carried out at the castle. The works had been delayed and resulted in the

cancellation of wedding bookings. Ms Mead stated that Councillor Hedley was abusive towards her, but could not recall the actual words he used during the telephone calls.

- 4.5 Ms Mead stated that Councillor Hedley told her he felt she had inappropriately blamed the Clerk for failing to notify people who had booked the castle as a wedding venue that it would not be available on the dates they had requested.
- 4.6 Councillor Hedley stated that he was angry and "told Ms Mead off", but could not recall exactly what he said and said he did not use abusive or offensive language.
- 4.7 On 20 June 2007 Ms Mead wrote to Rosemary Harris, the Town Clerk, to complain about Councillor Hedley's conduct. She complained that Councillor Hedley was in breach of the council's Protocol on Councillor and Officer Relations. The letter contained an account of the telephone call with Councillor Hedley on 19 June 2007 and stated;

"Later in the day I received another telephone call from Councillor Hedley accusing me of blaming the Town Clerk for an issue relating to the notification of couples who have booked the castle as a wedding venue during the proposed period of the dilapidation work. He demanded I explain the reason behind this. I refused to discuss the matter. The phone line went dead. Councillor Hedley telephoned again and accused me of putting the phone down, I denied it. Councillor Hedley went on to demand that I attend a meeting with him and the Town Clerk on Wednesday morning. I refused as I was on holiday. He responded by saying that I was to attend a meeting at 9.00 am on Monday morning. I refused to agree to this meeting. Councillor Hedley went on to say that I need to be clear who has authority, the Town Clerk and the Mayor Councillor Radford and that Councillor Geall had no authority. During this conversation Councillor Hedley inferred that I was conspiring with Councillor Geall by informing her of his every attendance at the Castle. I denied that I was responsible or indeed that I had any knowledge of any member of staff in reception carrying out this allegation....."

- 4.8 Mrs Harris subsequently spoke to Councillor Hedley about the incident and he apologised to Ms Mead for his conduct.
- 4.9 Councillor Hedley said he did not particularly feel he had anything to apologise for, but did so as the Town Clerk had asked him to and he felt it was necessary for everybody to move on.

The Town Clerk's resignation

- 4.10 On 23 July 2007, Rosemary Harris tendered her resignation, giving two months notice. She was, at that time, the subject of disciplinary proceedings by the council and did not return to her duties after this date. The council subsequently suspended Mrs Harris on 30 July 2007.
- 4.11 On 30 July 2007 an Interim Town Clerk was appointed. However, between 23 and 30 July 2007 there were no formal arrangements in place to cover the Clerk's duties.

Events on 26 July 2007

- 4.12 On 26 July 2007, Councillor Hedley went to the council offices and learned from Stephen Davies, the council's Finance and Administration Manager, that Josie Fichera, the mayor's secretary, had been upset by e-mails that she had received from Ms Mead concerning the way Ms Fichera had managed the mayor-making ceremony some weeks earlier. Councillor Hedley did not personally read the e-mails, but was angry that this issue was only now being raised.
- 4.13 Councillor Hedley stated that he spoke to Ms Mead briefly about Ms Fichera before leaving for a pre-arranged lunch-time meeting with Stephen Davies, and John Barber, Town Centre Manager, in a public house in Hertford Town Centre.
- 4.14 Councillor Hedley returned to the council offices at approximately 2.45pm and learnt that Ms Fichera intended to resign, citing difficulties with Ms Mead. Councillor Hedley became angry as he felt that Ms Mead was causing staff to leave the council. He asked Mr Davies to attend a meeting with him, Ms Mead and Bill Sugrue to discuss their behaviour towards Ms Fichera. Mr Davies told Councillor Hedley that it was not the appropriate time to have such a meeting.
- 4.15 Councillor Hedley then went into the reception area where Ms Mead was working alone and demanded that she attend a meeting immediately. According to Ms Mead, Councillor Hedley was in an agitated state and said to her: *"I want you upstairs now"* and indicated that he also wanted to see Mr Sugrue. Ms Mead said his voice was raised and that his whole manner was unreasonable, particularly as it was a public area. She refused to go with Councillor Hedley.
- 4.16 At this point Councillor Hedley left the reception area and, in the absence of the Town Clerk, Ms Mead telephoned Councillor Sartin to tell her what had happened and seek her advice. Councillor Sartin is Chair of the council's Development and Leisure Committee, which is responsible for Ms Mead's area of work.
- 4.17 Councillor Hedley came back into the reception area while Ms Mead was speaking to Councillor Sartin and demanded that she give the phone to

him. Ms Mead said that by this point she was beginning to get very upset by the way Councillor Hedley was speaking to her because he was so aggressive. She said he was red in the face and shouting at her and felt that had the reception counter not been between them he could have cornered her. Ms Mead said Councillor Hedley appeared very unstable; she did not know what he was capable of and she was very frightened of him. Councillor Sartin said while she was on the phone she could hear Councillor Hedley shouting at Ms Mead to come to a meeting. At this point, neither Councillor Sartin nor Ms Mead had a clear understanding of why Councillor Hedley wanted Ms Mead to meet with him.

- 4.18 When Councillor Hedley took the phone, Councillor Sartin told him that it was not appropriate for him to be having a meeting and that he should leave the council offices. Councillor Sartin stated that Councillor Hedley then became abusive to her in the way he was speaking to her. She was unable to recall all the details of what he said, but recalled him calling her a *"silly little girl"*. He did not swear.
- 4.19 Councillor Hedley then left the area again. A contractor who was working in the building heard the commotion and came to ask if Ms Mead was alright. Ms Mead became very distressed by Councillor Hedley's behaviour and was unable to continue speaking to Councillor Sartin.
- 4.20 Councillor Hedley again returned to the reception area followed by Mr Sugrue. Councillor Hedley telephoned Councillor Sartin and told her that the mayor's secretary had resigned. Councillor Sartin spoke to Mr Davies and apologised for Councillor Hedley's behaviour. Mr Davies eventually persuaded Councillor Hedley that it would be a good idea if he left the offices. Councillor Sartin believed that Councillor Hedley's behaviour appeared to indicate that he was "the worse for drink" and was similar to a previous occasion when he had made a series of abusive phone calls, apologised the following day and said he had been drinking.
- 4.21 Councillor Wilson recalled Councillor Hedley drinking two large glasses of wine in the pub and was clearly drunk. Councillor Hedley disputed this stating that he only had two small glasses of wine. Mr Sugrue stated that Councillor Hedley was coherent and did not appear obviously drunk.
- 4.22 Ms Mead was unable to say whether Councillor Hedley was drunk, but commented that he often came into the council offices after visiting the pub and whilst his behaviour was more extreme on this occasion, it was not dissimilar to the way he had behaved on previous occasions. She felt unable to say whether his erratic behaviour was a result of him having been drinking alcohol.
- 4.23 Councillor Hedley stated that he was not drunk, but said he was angry and perhaps more so than he should have been. He believed that the combination of alcohol and the medication he was taking at the time made him tend to brood on things.

- 4.24 Mr Sugrue stated that Councillor Hedley accused him and Ms Mead of causing members of staff to leave, by their attitude. Mr Sugrue thought that Councillor Hedley was ill informed and "out of order". He said that Councillor Hedley was becoming more and more agitated and that Ms Mead was "absolutely gone". Mr Sugrue described her as like a child that had been severely disciplined, shrunken into a ball and sobbing.
- 4.25 Councillor Hedley admitted he was angry and did not deny that he accused Ms Mead of making staff leave. He also accepted that he told Ms Mead that her grievance against the Clerk was "unwise". He felt that somebody had to take control of the situation, given the particular circumstances the council found itself in. Councillor Hedley said that had the Town Clerk been at work at the time, he would have approached her with his concerns. He did not consider he had any other option, but to express his concern directly to Ms Mead. He was not aware of any other arrangements to cover the Clerk's duties at that time. Councillor Hedley said that, whilst his conduct may not have been perfect, he felt that by this time the council was totally dysfunctional.
- 4.26 Mr Sugrue spoke on the telephone to Councillor Sartin and told her that Councillor Hedley was in a bad state of mind and it would be a very good idea if another councillor could come to the office.
- 4.27 Councillor Sartin contacted Councillor Wilson who returned to the council offices, but Councillor Hedley had left by the time he arrived. Councillor Wilson made written notes of Ms Mead's and Mr Sugrue's accounts of what had happened. Councillor Wilson and Councillor Radford, the Mayor of the council, subsequently spoke to Councillor Hedley several times on the telephone.
- 4.28 Later that afternoon, Councillor Hedley telephoned John Sartin, who is Councillor Sartin's father and an officer of the local Conservative association. Councillor Hedley wanted to complain that Councillor Sartin had become involved in the situation. Councillor Hedley spoke to Councillor Sartin's mother, as Mr Sartin was not available.
- 4.29 Councillor Hedley told Mrs Sartin that he was not going to be spoken to about his behaviour by "a daughter of an officer". Mrs Sartin said she found Councillor Hedley's tone aggressive and felt threatened, although he did not use any offensive language. Councillor Hedley called Mrs Sartin a couple of days later to apologise for his behaviour.
- 4.30 On the same day Councillor Wilson and Councillor Radford told the Leader of the Council, Councillor Geall, about the incident. Councillor Geall immediately wrote to Councillor Hedley. Her letter was dated 26 July and informed Councillor Hedley that as a result of his behaviour he was suspended from the whip of the Conservative Group of the Town Council for a period of 10 days. The letter also advised Councillor Hedley that he would not be permitted to attend meetings or enter council

premises during the period of suspension and that Councillor Geall would be considering what further action might be required.

- 4.31 On 27 July 2007 Councillor Geall met with Ms Mead and Mr Sugrue and took detailed notes about what happened on 26 July 2007. I have considered these notes in my investigation. Jeff Hughes, the Head of Democratic Services at East Hertfordshire District Council, and John Sartin were also present at the meeting. Mr Sartin attended in his role as the chairman of the local government committee of the local conservative association and so that he could report back to the constituency chairman.
- 4.32 On 31 July 2007, Councillor Geall met with Councillor Hedley, again with Mr Sartin present. According to Councillor Geall's notes Councillor Hedley denied being rude to Ms Mead or Mr Sugrue on 26 July 2007, but accepted that he had been "*extremely uncomplimentary*" towards them. He said he was sorry, but felt he had been provoked by their behaviour.
- 4.33 Councillor Hedley's suspension and exclusion from the council's offices was formally approved by the group and continued until late September 2007. On 30 September 2007 Councillor Geall wrote to Councillor Hedley advising him that the group had agreed to reinstate him as a group member, as members had noted that Councillor Hedley had acknowledged his behaviour had been inappropriate.
- 4.34 Councillor Hedley said he regretted losing his temper, but thought it was understandable given the difficult circumstances at the council at the time. He felt that Susanne Mead had particular problems with him and he had particular problems with her. He regarded Ms Mead as a "serial complainer" and felt she had a tendency to over-react to situations. He thought it was inevitable that councillors were going to get involved in staff matters if the appropriate officers were not in post.

Events on 11 October 2007

- 4.35 In an effort to improve relations between staff Mr Butcher suggested that Ms Mead and Mr Davies should work in the same office.
- 4.36 Councillor Hedley stated that on 11 October 2007, Mr Davies contacted him to complain about Mr Butcher's suggestion and told him that he did not feel he could work with Ms Mead, but had been told by Mr Butcher that he had to. Councillor Hedley telephoned Ms Mead at the council offices at approximately 5.40pm to discuss the matter.
- 4.37 According to Ms Mead, Councillor Hedley questioned her about the situation in a way which implied that Mr Davies was not happy about the proposed change to their working arrangements. When she suggested that he should speak to the Town Clerk he reacted angrily stating: "*What right do you have to tell me what to do, I'm not talking to him, I will take it up with members*". Ms Mead said that Councillor Hedley also asked her

why she was still working at the office at that time. Ms Mead said she felt upset and victimised by Councillor Hedley.

- 4.38 Councillor Hedley also asked Linda Bonner, a colleague of Ms Mead, to let him know what time Ms Mead left the office.
- 4.39 Councillor Hedley did not dispute Ms Mead's account of their conversation, but felt she had over-reacted and he did not understand what Ms Mead was accusing him of. He said he asked about Ms Mead's working hours because he was concerned that she was spending too much time in the office.
- 4.40 Councillor Hedley did not contact Mr Butcher until after he had spoken to Ms Mead. He considered it was appropriate for him to speak to Ms Mead directly as he was not prepared to lose another member of staff. He felt his actions were justified as the decision to relocate both officers was later reversed. With hindsight he felt that perhaps he should have spoken to Mr Butcher first, but thought that Mr Butcher was too involved in the situation. Councillor Hedley did not think the council's protocol on member/officer relations strictly applied given that the council was not in a normal position at the time.
- 4.41 Ms Mead immediately complained to Mr Butcher about Councillor Hedley's behaviour and Mr Butcher wrote a letter, dated 12 October 2007, to Councillor Geall. He stated in his letter:

"Councillor Hedley has, in my opinion, broken the Code of Conduct, the officer/member protocol and the bullying and harassment policy. I will be happy to share details if you wish but I think the breaches are self-evident.

I was appreciative of the action you have taken following the previous incidents and am requesting that your Group takes appropriate action against Councillor Hedley in relation to this latest breach in what is fast becoming a very repetitive, distressful sequence of events.

As a minimum, I ask that the Conservative Group restrains Councillor Hedley from telephoning staff or entering Council premises between 8.00am and 6.00pm as I have to be fearful for the safety of my staff. I will be assessing what other measures may be appropriate to help ensure staff have a safe and healthy environment in which to work and depending on your response I will have to consider formal advice to Council to restrain Councillor Hedley."

Telephone calls to other members on 11 and 12 October 2007

- 4.42 Later on 11 October 2007 Councillor Hedley telephoned Councillor Wilson. According to Councillor Wilson, Councillor Hedley called him

about six times in the space of an hour and verbally attacked everyone, including Councillor Wilson and several female staff and councillors.

- 4.43 Councillor Newton stated that Councillor Hedley called her late in the evening of 11 October 2007 to complain about Mr Butchers' proposed new arrangements for Ms Mead and Mr Davies. Councillor Newton said he tried to tell Councillor Hedley that he should not get involved and after a lengthy and difficult conversation she hung up on him.
- 4.44 Councillor Wilson said he received another telephone call from Councillor Hedley on Friday 12 October 2007, in which Councillor Hedley made comments that were disrespectful and vindictive towards his wife. He said Councillor Hedley also made personal, degrading comments directed at Councillors Geall, Sartin and Darby. Councillor Wilson said he was not inclined to divulge the detail of Councillor Hedley's comments, but said that Councillor Hedley said they were "*no match for him*"; that "*they would not beat him*" and "*he would fight them all the way*". Councillor Wilson took this as a reference to both the political situation and to the Standards Board investigation.
- 4.45 Councillor Newton stated that she also received another telephone call from Councillor Hedley on 12 October 2007 at approximately 10pm, when he started to discuss with her events, which had occurred at a political group meeting on 11 October 2007. Councillor Newton said that during the course of their discussion it became apparent that Councillor Hedley recalled nothing of his conversation with her the previous evening.
- 4.46 Councillor Newton said she also spoke to Councillor Hedley again on Saturday 13 October 2007 when it again became clear that he did not recall the telephone conversations on 11 and 12 October 2007. Councillor Newton was concerned for Councillor Hedley's health and advised him to see his doctor.
- 4.47 Councillor Wilson reported the telephone calls from Councillor Hedley to the Standards Board in an e-mail dated 14 October 2007.
- 4.48 After consulting other members of her group Councillor Geall wrote to Councillor Hedley on 15 October 2007 asking him to refrain from telephoning staff (apart from the Town Clerk) or entering Council premises between 8am and 6pm until further notice. The group later lifted this restriction.
- 4.49 Councillor Hedley said he did not recall the telephone calls to Councillors Wilson and Newton, but stated that he had recently been prone to memory lapses and had consulted his doctor about them. However, he denied making any offensive comments about Councillor Wilson's wife or anybody else.

- 4.50 Given that Councillor Hedley did not recall the conversations, I have considered carefully the evidence of Councillor Wilson and Councillor Newton in relation to those calls. I am satisfied, on the balance of probabilities, that Councillor Hedley did make the telephone calls and I accept the evidence of Councillor Wilson in relation to the content of Councillor Hedley's calls to him.

Recent developments

- 4.51 Mr Butcher reported that relations between officers and members have improved significantly. The council has recently appointed a new Town Clerk.
- 4.52 Ms Mead did not recall receiving any 'significant' or 'direct' apology from Councillor Hedley. Mr Sugrue said that Councillor Hedley approached him before the last council meeting on 3 December 2007. He said Councillor Hedley *'held his hands up'* and said that most of what had happened was his fault but not all of it. He asked Mr Sugrue to pass this on to the other staff involved. Mr Sugrue stated that he passed this on to Ms Mead and other staff. Councillor Hedley said he had no reason to believe that Mr Sugrue's account was not correct.
- 4.53 I have concluded on the above evidence that Councillor Hedley did apologise to Mr Sugrue on 3 December 2007, but did not apologise directly to Ms Mead.

5 Reasoning as to whether there have been failures to comply with the Code of Conduct

Official capacity

- 5.1 Paragraph 4 of the 2002 code of conduct and paragraph 5 of the 2007 code apply to a member's conduct in their official capacity, or any other circumstance.
- 5.2 Paragraphs 2 (b), 3 (b) of the 2002 code and paragraphs 3(1), 3(2)(b) and 3 (2)(c) of the 2007 code apply only to a members' conduct when he is performing the functions of his office.
- 5.3 Given that the incidents which are the subject of this investigation were directly related to issues concerning council staff and business I consider that Councillor Hedley was performing the functions of his office and, therefore, acting in his official capacity during these incidents.

Councillor Hedley's conduct on 19 June 2007

- 5.4 It is clear that Councillor Hedley had concerns about Ms Mead's involvement in the cancellation of the wedding bookings. However, Ms Mead was unable to provide further details of the comments made by Councillor Hedley. I have, therefore, had to rely on Ms Mead's

description of the telephone conversation as detailed in her letter to Rosemary Harris on 20 June 2007.

- 5.5 I do not consider that Councillor Hedley's conduct on 19 June 2007, as described in Ms Mead's letter of 20 June 2007, constitutes a failure to treat her with respect. In the absence of any further detailed evidence, I do not consider that Councillor Hedley failed to comply with paragraph 2 (b) of the code of conduct.
- 5.6 However, I do consider that it would have been more appropriate for Councillor Hedley to raise any concerns regarding Ms Mead's conduct with the Town Clerk or the Leader of the Council given that the council's Protocol for Member and Officer Relations states: *"in the event that a Councillor is dissatisfied with the conduct, behaviour or performance of an Officer, the matter should be raised with the Town Clerk"*.

Councillor Hedley's conduct on 26 July 2007

- 5.7 Paragraph 8.2 of the council's protocol for member/officer relations states:

Officers can expect from councillors:

Respect and courtesy

Not to be subject to bullying or to be put under undue pressure. Councillors should have regard to the seniority of officers in determining what reasonable requests are, having regard to the power relationship between councillors and officers, and the potential vulnerability of officers, particularly at junior levels.

- 5.8 Paragraph 11.2 of the protocol specifies the procedure that councillors should follow if they are dissatisfied with the conduct or performance of a member of staff:

Procedure for Councillors

In the event that a Councillor is dissatisfied with the conduct, behaviour or performance of an Officer, the matter should be raised with the Town Clerk. Where the Officer concerned is the Town Clerk, the matter should still be raised with the Town Clerk. If the matter cannot be resolved informally, it may be necessary to invoke the Council's disciplinary procedure.

- 5.9 The code of conduct which applied to Councillor Hedley's conduct at this time was the code of conduct adopted by the council on 23 July 2007, under the Parish Councils (Model Code of Conduct) Order 2007. That

code included a new section relating to bullying. The relevant section is paragraph 3 (b), which states that members must not *"bully any person"*.

- 5.10 Guidance issued by the Standards Board defines bullying as:

"Offensive, intimidating, malicious, insulting or humiliating behaviour by an individual or group of individuals, based on abuse or misuse of power or authority, which attempts to undermine an individual or a group."

- 5.11 The council's protocol states:

"Bullying may be characterised as offensive, intimidating malicious or insulting behaviour, an abuse or misuse of power through means to undermine, humiliate, denigrate or injure the recipient."

- 5.12 This section of the code of conduct does not prevent a member criticising officers where appropriate, but in my view seeks to prevent members making unacceptable personal or offensive attacks on or threats to individuals.

- 5.13 In this case, Councillor Hedley clearly had concerns about Ms Mead and in particular what he considered to be her disruptive influence on other members of council staff. He held her responsible for staff leaving the council. He also had similar concerns, to a lesser extent about Mr Sugrue. In these circumstances, the appropriate course of action, as stipulated by the council's member/officer relations protocol, would have been to raise these concerns with the Town Clerk. However, at the time of the appropriate events, the then Town Clerk had effectively left the council, and a replacement had not been appointed. The council had not made any formal arrangements to cover the work of the Town Clerk.

- 5.14 In these circumstances it would therefore not have been possible to comply strictly with paragraph 11.2 of the council's protocol for member/officer relations. However, in my view, it would have been more appropriate, in the circumstances, for Councillor Hedley to raise his concerns with the Leader of the Council, rather than approaching Ms Mead or Mr Sugrue directly.

Respect

- 5.15 It is clear from the evidence of Ms Mead, Mr Sugrue and Councillor Sartin that Ms Mead was extremely upset by Councillor Hedley's behaviour and that both Ms Mead and Mr Sugrue found it unacceptable. Councillor Hedley shouted at Ms Mead in a public area of the council's premises and accused her of losing council staff and of bringing an unjustified allegation against the Town Clerk. Regardless of the validity of Councillor Hedley's allegations, the manner and location in which he spoke to Ms Mead and Mr Sugrue was highly inappropriate. In my view,

he failed to treat both officers with respect and I consider his conduct failed to comply with paragraph 3 (1) of the 2007 code of conduct.

- 5.16 With regard to Councillor Hedley's conduct towards Councillor Sartin and Mrs Sartin, whilst it is understandable that they would have found Councillor Hedley's comments unpleasant, I do not consider that Councillor Hedley's conduct was so offensive as to constitute a failure to comply with paragraph 3 (1) of the 2007 code of conduct. I note also that Councillor Hedley apologised to Mrs Sartin for his telephone call.

Disrepute

- 5.17 Paragraph 5 of the code of conduct requires that a member must not conduct himself in a manner, which could reasonably be regarded as bringing his office or authority into disrepute.

- 5.18 A member's conduct will bring that member's office into disrepute if the conduct could reasonably be regarded as:

- a) *reducing the public's confidence in that member being able to fulfil their role, or,*
- b) *adversely affecting the reputation of members generally, in being able to fulfil their role.*

- 5.19 Conduct by a member which could reasonably be regarded as reducing public confidence in the authority being able to fulfil its functions and duties will bring the authority into disrepute.

- 5.20 In considering whether a member has failed to comply with this part of the code I am required to put myself in the position of a notional reasonable member of the public.

- 5.21 I consider that a reasonable member of the public would expect councillors to comply with their authority's procedures and protocols relating to personnel matters and to treat staff with respect at all times.

- 5.22 By taking it upon himself to challenge Ms Mead and Mr Sugrue on 26 July 2007, in a public area of the council's offices, Councillor Hedley failed to treat both officers with respect and showed a disregard for their feelings and the rights available to them in the council's disciplinary procedure. I consider his conduct fell below the standards which members of the public would expect of a councillor and would cause members of the public to have less confidence in his ability to fulfil his official duties in an appropriate manner.

- 5.23 I consider that members of the public would also expect a councillor who failed to treat officers with respect and caused distress to an employee of the council, to make an appropriate apology to the employees concerned. Councillor Hedley did not apologise to Ms Mead directly.

Although he apologised to Mr Sugrue I am concerned to note that he did not do so until 3 December, over 4 months after the incident on 26 July 2007 and only 2 days before he was due to be interviewed about the allegations by my investigator.

- 5.24 Taking all the circumstances into account I consider that Councillor Hedley's conduct on 26 July 2007 could reasonably be regarded as bringing his office into disrepute and was a failure to comply with paragraph 5 of the council's code of conduct.

Councillor Hedley's conduct on 11 and 12 October 2007

- 5.25 Councillor Hedley stated that he felt he was justified in contacting Ms Mead directly after Mr Davies had expressed his concerns about working in the same office as Ms Mead, but accepted, with hindsight, he should have contacted Mr Butcher first.
- 5.26 I consider it was ill-judged and highly inappropriate for Councillor Hedley to take it upon himself to contact Ms Mead, rather than speak to Mr Butcher first about a staffing matter within Mr Butcher's remit as the Town Clerk, especially given that Ms Mead had made a complaint about his conduct to the Standards Board.
- 5.27 However, whilst I note that Ms Mead was unsettled by Councillor Hedley's telephone call I do not consider that Councillor Hedley's comments failed to treat Ms Mead with respect so as to constitute a failure to comply with paragraph 3 (1) of the code.
- 5.28 Councillor Hedley does not recall the telephone calls to Councillor Wilson and Councillor Newton on 11 and 12 October 2007 and there were no other witnesses to the calls. However, I am satisfied based on Councillor Wilson's account of the telephone calls he received from Councillor Hedley, that Councillor Hedley made comments about other councillors and Councillor Wilson's wife, which failed to treat them with respect, contrary to paragraph 3 (1) of the code.

6 Finding

- 6.1 My finding is, pursuant to paragraph 59 (4) (c) of the Local Government Act 2000, that the matters which are the subject of this investigation should be referred to the monitoring officer of East Hertfordshire District Council, for determination by the authority's Standards Committee.