



EAST HERTS COUNCIL

STANDARDS COMMITTEE – APRIL 2008

REPORT BY THE MONITORING OFFICER

COMPLAINT IN RESPECT OF A TOWN COUNCILLOR, STANDARDS BOARD REFERENCES SBE 19488.07 AND 19505.07

'D' RECOMMENDATION - that

1.0 Purpose/Summary of Report

1.1 To consider a complaint in respect of Councillor J Hedley, a Member of Hertford Town Council.

2.0 Contribution to the Council's Corporate Objectives

2.1 Fit for purpose, services fit for you. Deliver customer focused services by maintaining and developing a well managed and publicly accountable organisation.

3.0 Background

3.1 The Committee previously agreed a procedure for considering complaints (Appendix 1 (pages 6 – 16)) .

4.0 The complaints

4.1 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.

4.2 Ms Mead 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.

4.3 Mr Peter Butcher, Interim Town clerk and Councillor Wilson made complaints about Councillor Hedley's conduct towards staff on 11 and 12 October 2007.

5.0 The Ethical Standards Officer's Report

5.1 The Standards Board for England decided that these complaints should be investigated. Following the investigation, the Ethical Standards Officer concluded 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) of the Council's Code of Conduct.

5.2 This conduct 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 in the opinion of the Ethical Standards Officer.

5.3 He considers that Councillor Hedley's conduct to another Council's member on 11 and 12 October failed to comply with paragraph 3 (1) of the Council's Code of Conduct.

5.4 He has referred the matter to the Monitoring Officer of East Herts Council for report to and determination by the Standards Committee.

6.0 Pre-Hearing

6.1 In preparation for this hearing, Councillor Hedley has been provided with a copy of this report. In order to attempt to simplify the hearing process and identify those matters which are agreed, Councillor Hedley has been requested to identify any points of disagreement relating to the findings of fact.

6.2 Councillor Hedley does not disagree with any of the findings of fact in the report. He lists other evidence which he considers is relevant. Factors which Councillor Hedley considers the committee should take into account are included. These submissions are contained in Appendix 3 (pages 255 – 263) to the report. Councillor Hedley is represented by Councillor J Cook.

7.0 The Key Issues

- 7.1 There was an allegation that Councillor Hedley failed to treat an officer employed by Hertford Town Council with respect on 19 June 2007 contrary to paragraph 2 (b) of the council's code of conduct, adopted under the Parish Councils (Model Code of Conduct) Order 2001.
- 7.2 There was an allegation that on 26 July 2007 Councillor Hedley failed to treat an officer with respect when he criticised her in a public area of the council offices. It was also 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.
- 7.3 It is necessary to consider 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 under the Parish Councils (Model Code of Conduct) Order 2001.
- 7.4 There are allegations relating to Councillor Hedley's conduct towards staff and other members on 11 and 12 October 2007. The Committee needs to consider 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 2001. A further key issue is whether his conduct could reasonably be regarded as bringing his office or authority into disrepute, contrary to paragraph 5 of the code of conduct.

8.0 The Key Events

Councillor Hedley's Conduct on 19 June 2007

- 8.1 The Ethical Standards Officer has set out in his report his conclusions as to the key events. 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. Ms Mead stated that Councillor Hedley was abusive towards her, but could not recall the actual words he used during the telephone calls.

- 8.2 Councillor Hedley stated that he was angry and “told Ms Mead off” but he could not recall exactly what he said, he said that he did not use abusive or offensive language.
- 8.3 On 20 June 2007 Ms Mead wrote to Rosemary Harris, the Town Clerk, to complain about Councillor Hedley’s conduct.
- 8.4 Mrs Harris subsequently spoke to Councillor Hedley about the incident and he apologised to Ms Mead for his conduct.
- 8.5 The Ethical Standards Officer does not consider that Councillor’s Hedley’s conduct on 19 June 2007 was a failure to comply with paragraph 2 (b) of the Councillor’s Code of Conduct.

Events on 26 July 2007

- 8.6 On 26 July 2007, Councillor Hedley went to the council offices on several occasions. Details of the event are set out in the Ethical Standards Officer report.
- 8.7 Councillor Hedley criticised officers of the Council. This section of the code of conduct does not prevent a member criticising officers where appropriate, but according to the Ethical Standards Officer seeks to prevent members making unacceptable personal or offensive attacks on or threats to individuals.
- 8.8 According to the report 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 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.
- 8.9 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. According to the report, 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.

- 8.10 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 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. The Ethical Standards Officer considers that Councillor Hedley failed to treat both officers with respect and I consider his conduct failed to comply with paragraphs 3 (1) of the 2007 code of conduct.
- 8.11 With regard to Councillor Hedley's conduct towards Councillor Sartin and Mr Sugrue, whilst it is understandable that they would have found Councillor Hedley's comments unpleasant, the Ethical Standards Officer does 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. It should be noted also that Councillor Hedley apologised to Mrs Sartin for his telephone call.
- 8.12 According to the report 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. The Ethical Standards Officer considers that 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.
- 8.13 The Ethical Standards Officer considers 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 this was not 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.

Councillor Hedley's conduct on 11 and 12 October 2007

- 8.14 Councillor Hedley contacted Ms Mead directly after Mr Davies had expressed his concerns about working in the same office as Ms Mead.
- 8.15 The Ethical Standards Officer considers it was ill-judged and highly inappropriate for Councillor Hedley to take it upon himself to contact Ms Mead, rather than to 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.
- 8.16 However, whilst he notes that Ms Mead was unsettled by councillor Hedley's telephone call he does not consider that Councillor Hedley's comments failed to treat Ms Mead with respect so as to constitute a failure to comply with paragraphs 3 (1) of the code.
- 8.17 Councillor Hedley made various telephone calls to Councillor Wilson and Councillor Newton on 11 and 12 October 2007 during which various comments were made as detailed in the report. The Ethical Standards Officer is 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.

9.0 Procedure for the Hearing

- 9.1 A copy of the procedure which the Standards Committee has adopted for the conduct of such hearings is attached at Appendix 1 (pages 6 – 16). A copy of the Ethical Standards Officer's report is attached at Appendix 2 (pages 17 – 254). Councillor Hedley's correspondence is contained in Appendix 3 (pages 255 – 263).

9.0 Consultation

- 9.1 There has not been any consultation.

10.0 Legal Implications

- 10.1 The procedures are in accordance with the regulations.

11.0 Financial Implications

11.1 None.

12.0 Human Resource Implications

12.1 None.

13.0 Risk Management Implications

13.1 None.

Background Papers

Procedure for Local Investigations
Report of the Ethical Standards Officer
Councillor Hedley's correspondence.

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