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APPENDIX 'B7'

**PRIVATE AND CONFIDENTIAL  
REPORT**

**Final Report**

**East Hertfordshire District Council**

**Case Reference EHDC/04/2008**

**REPORT OF AN INVESTIGATION UNDER 59 OF THE LOCAL  
GOVERNMENT ACT 2000 by G ROBERTSON appointed by Monitoring  
Officer for East Hertfordshire District Council INTO ALLEGATIONS  
CONCERNING COUNCILLOR JOHN HEDLEY**

**DATE: 19 May 2009**

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## **1 Executive summary**

### **1.1 Allegations**

The complaints are that Councillor Hedley attended a meeting of the Council on the 1 October 2008 and at the conclusion of the meeting behaved in an unacceptable manner and in subsequent telephone calls to Officers behaved in a disrespectful and intimidating manner. One of the Officers Jeff Hughes felt Councillor Hedley's behaviour at the meeting and in a subsequent telephone conversation on the 21 November 2008 breached the Council's Members Code of Conduct in being disrespectful, intimidatory, and bullying and brought his office in to disrepute. The other Officer Martin Ibrahim alleges the behaviour at the meeting on the 1 October and during subsequent telephone calls to him on the 27 November 2008 was disrespectful, bullying, intimidating, likely to bring his office in to disrepute and evidence of using his position as a Councillor to improperly seek advantage.

I have investigated the complaints made and in doing so have interviewed Councillors Hedley and Hollebton and Officers Jeff Hughes and Martin Ibrahim.

### **1.2 Finding**

My finding is that there have been breaches of the Members Code of Conduct.

## **2 Councillor Hedley's official details**

- 2.1** Councillor Hedley was elected to East Herts Council on 1 May 2003. He is also currently a member of Hertford Town Council
- 2.2** He is currently a member of Corporate Business Scrutiny Committee and Audit Committee. He was a member of the now defunct Performance Scrutiny Committee.
- 2.3** He signed an undertaking to abide by the Council's Code of Conduct on 16 May 2007
- 2.4** He attended training on 29 November 2007 on the Code (in his capacity as town councillor).

### **3 The relevant legislation and protocols**

- 3.1** The current Members Code of Conduct was adopted in September 2007. The relevant clauses in the Members Code are contained in clause 3 (1) General Obligations –failure to treat others with respect.  
Clause 3 (2) (b) - bullying  
Clause 3(2) (c) -intimidation  
Clause 5 - bringing the office or authority into disrepute.  
Clause 6 (a) - using position as a councillor improperly to seek advantage

### **4 The evidence gathered**

- 4.1** I have taken account of oral evidence from Councillors Hedley and Hollebon and Officers Jeff Hughes and Martin Ibrahim.
- 4.2** I have also taken account of documentary evidence obtained from Martin Ibrahim.

### **5 Summary of the material facts**

- 5.1** Councillor Hedley when interviewed confirmed that he was not in the best of moods on the night of the 1 October 2008, the night of the Council meeting in question. He had expected to present the Audit report and didn't. He was upset with what he felt were some Members high jacking the meeting and felt he had been prevented from speaking by the Chairman. 'I was told not to speak and I was very angry about this.' He admitted to getting 'a bit cross' and that he 'shouted a bit'. Both Officers and Councillor Hollebon stated that Councillor Hedley's behaviour following the meeting was disrespectful, and aggressive. Both Councillor Hollebon and Jeff Hughes felt they had been shouted at in an inappropriate way. Martin Ibrahim felt that though the behaviour was not directed at him it was threatening and unpleasant.
- 5.2** Councillor Hedley confirmed that he had told Councillor Hollebon after the meeting that he would resign and he felt that the Officers had only raised their complaints thereafter once it was clear that this was not going to happen. He felt that the Officers making the complaint expected him to resign and that they had put pressure on the Leader of the Council and the Chief Executive.
- 5.3** On the 21st November 2008 Councillor Hedley telephoned Jeff Hughes during which he indicated his view that one officer in particular was unhappy with his behaviour. Jeff Hughes felt the officer being discussed was Martin Ibrahim. Jeff Hughes felt the telephone conversation was inappropriate in seeking to discover what action

Martin Ibrahim might take and he felt uncomfortable and harassed. Though Councillor Hedley had discussed his behaviour on the night of the Council meeting and had sought to apologise for his actions he appeared insincere and had referred to any possible Standards Committee referral as unlikely to produce any significant penalty.

- 5.4 On the 27 November 2008 Councillor Hedley telephoned Martin Ibrahim on two occasions. A note was made of each conversation. Martin Ibrahim felt the conversations were threatening and bullying and were aimed at discovering whether a complaint had been made and his view of the Members behaviour. Martin Ibrahim was upset by the calls and felt unable to attend work on the following day as a result

## **6 Reasoning as to whether there have been failures to comply with the Code of Conduct**

- 6.1 I must now consider whether by his actions Councillor Hedley failed to comply with the Members Code of Conduct

- 6.2 The East of England Regional councils define bullying as "Unreasonable, offensive, intimidating or insulting behavior, which makes the recipient feel upset, threatened, humiliated or vulnerable, which undermines confidence and which may cause stress". Under the Councils Harassment and Bullying policy any dealing between Members and Officers should be conducted with mutual trust, respect and courtesy, and neither party should seek to take an unfair advantage. In particular, Members should recognize and pay due regards to their role as an employer in their dealings with Officers. Members must, in particular guard against inappropriate pressure on junior officers and must ensure that all communication between them (including written communication) does not bring the Council into disrepute, cause any embarrassment to them, or lead to the breakdown of mutual trust, respect and courtesy in Member/Officer relations. In assessing the affect of alleged behavior it is important to take into account the impact the behavior has on the recipient. It is not appropriate to suggest that the recipient should have been more robust or should have ignored the behavior.

- 6.3 Turning first to the events on the 1<sup>st</sup> October 2008 Councillor Hedley's behaviour in confronting and shouting at Councillor Hollebbon and Jeff Hughes was disrespectful and bullying and fell well short of behaviour to be expected under the Code .The behaviour was such that it was likely to bring the office in to disrepute..
- 6.4 As regards the telephone calls to officers on the 21 November and 27<sup>th</sup> of November both Officers felt bullied and harassed and were left feeling upset and in Martin Ibrahim's case unable to work the following day.

## **7 Finding**

- 7.1** My finding in all the circumstances of this case is that in accordance with the Local Government Act 2000 there has been a failure to comply with the Members Code in that Councillor Hedley has breached the following provisions of the Code;
- Clause 3 (1) General Obligations –failed to treat others with respect.
  - Clause 3 (2) (b) –been responsible for bullying behaviour
  - Clause 5 - conducted himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute.
- I do not find any evidence of breach of Clause 3(2)(c) relating to intimidation of potential complainants or of Clause 6 (a) - using his position as a Councillor improperly to seek advantage.

# Appendix A

## Schedule of evidence taken into account

Case No: EHDC/04/2008

### Core documents

Doc No	Description	Pages
1	Allegation letter	
2	Note of Meeting-Councillor Hedley	
3	Note of Meeting- Councillor Hollebon	
4	Note of meeting- Jeff Hughes	
5	Note of a meeting – Martin Ibrahim	
6	Councils Harassment and Bullying Policy	
7	Members Code	

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