



*James Ellis
Head of Legal and
Democratic Services*

MEETING : STANDARDS SUB-COMMITTEE
VENUE : MIMRAM ROOM, WALLFIELDS, HERTFORD
DATE : THURSDAY 28 NOVEMBER 2024
TIME : 10.00 AM

PLEASE NOTE TIME AND VENUE

MEMBERS OF THE SUB-COMMITTEE

Councillors C Horner, A Parsad-Wyatt, C Redfern, R Townsend

**CONTACT OFFICER:
ERICA GANT AND ROZ HAMILTON
ERICA.GANT@EASTHERTS.GOV.UK**

DISCLOSABLE PECUNIARY INTERESTS

1. A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:
 - must not participate in any discussion of the matter at the meeting;
 - must not participate in any vote taken on the matter at the meeting;
 - must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
 - if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
 - must leave the room while any discussion or voting takes place.
2. A DPI is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they were civil partners) within the descriptions as defined in the Localism Act 2011.
3. The Authority may grant a Member dispensation, but only in limited circumstances, to enable him/her to participate and vote on a matter in which they have a DPI.
4. It is a criminal offence to:
 - fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
 - fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
 - participate in any discussion or vote on a matter in which a Member has a DPI;
 - knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

(Note: The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.)

Public Attendance

East Herts Council welcomes public attendance at its meetings and will provide a reasonable number of agendas for viewing at the meeting. Please note that there is seating for 27 members of the public and space for a further 30 standing in the Council Chamber on a "first come first served" basis. When the Council anticipates a large attendance, an additional 30 members of the public can be accommodated in Room 27 (standing room only), again on a "first come, first served" basis, to view the meeting via webcast.

If you think a meeting you plan to attend could be very busy, you can check if the

Audio/Visual Recording of meetings

Everyone is welcome to record meetings of the Council and its Committees using whatever, non-disruptive, methods you think are suitable, which may include social media of any kind, such as tweeting, blogging or Facebook. However, oral reporting or commentary is prohibited. If you have any questions about this please contact Democratic Services (members of the press should contact the Press Office). Please note that the Chairman of the meeting has the discretion to halt any recording for a number of reasons, including disruption caused by the filming or the nature of the business being conducted. Anyone filming a meeting should focus only on those actively participating and be sensitive to the rights of minors, vulnerable adults and those members of the public who have not consented to being filmed.

AGENDA

1. Appointment of Chair

To appoint a Chair for this meeting.

2. Apologies

To receive any apologies for absence.

3. Declarations of Interest

4. Exclusion of the Press and Public

To move that under Section 100 (A) (4) of the Local Government Act 1972 the press and public be excluded from the meeting during the discussion of item 6 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part I of Schedule 12A of the said Act

5. Determination and decision into a complaint of failure to observe the Code of Conduct - East Herts Councillor (Pages 5 - 95)

6. Urgent Business

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

East Herts Council Report

Standards Sub Committee

Date of meeting: Thursday 28th November 2024

Report by: Deputy Monitoring Officer

Report title: Determination and decision into a complaint of failure to observe the Code of Conduct- East Herts Councillor David Woollcombe

Ward(s) affected: All

Summary –

It is for the Standards Sub-Committee to:-

Determine the original complaint (and a further complaint alleging a failure to co-operate with the procedure for dealing with that complaint) against East Herts Councillor David Woollcombe which has been referred to them by the Council's Deputy Monitoring Officer under paragraph 5.11 of the East Herts Council Complaints Handling Procedure for matters relating to the Councillors' Code of Conduct ("the Procedure")

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To give their decision on the above complaints regarding Councillor David Woollcombe in accordance with paragraphs 8.19 and 8.20 of the Procedure.

RECOMMENDATIONS FOR STANDARDS SUB COMMITTEE

- a)** That the Standards Sub Committee determine whether or not Councillor David Woollcombe failed to comply with the East Herts Councillor Code of Conduct ("the Code") in respect of the complaint made by the Councillor Vicky Glover Ward.
- b)** That the Standards Sub Committee determine whether or not Councillor David Woollcombe failed to comply with the Code in respect of his failure to engage with an informal resolution to

dispense with the complaint proposed by the Deputy Monitoring Officer.

- c) That if no failure is found in respect of (A) and/or (B), then case is at an end.
- d) That if a failure is found in respect of (A) and/or (B), the Standards Sub Committee determines what sanction is appropriate in accordance with paragraphs 8.20 and 9 of the Procedure.

1.0 Proposal(s)

- 1.1 See above

2.0 Background

- 2.1 On the 13th December 2023 the Monitoring Officer received a complaint from Councillor Vicky Glover Ward ("the Complainant") concerning the alleged misconduct of Councillor Woollcombe ("the Councillor"). The matter was assigned to the Deputy Monitoring Officer to consider as part of an Initial Assessment on 5th January 2024. Full details of the complaint are set out in the documents contained in Appendix 1 but summarised below as follows: -
- 2.2 The alleged misconduct concerns an email ("the Email") sent by the Councillor dated 13th December 2024 at 11:35 with the subject heading 'Promoting the Public Meeting Monday 18th Dec. 19.00 @ Community Center: "To Discuss Neale Drive" + the Residents' Video' which was sent to all East Herts Green party councillors at the time and also some officers of East Herts Council and Hertfordshire County Council.
- 2.3 The Complainant alleges that the Email contains unsupported allegations against her, that the language used was disrespectful and patronising and was written in such a way that it sought to damage her standing amongst party members and officers.

2.4 The Complainant considers that the Councillor breached the following part of the Code: -

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors. In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

A full copy of the Code can be found at Appendix 2.

2.5 Specific examples of how the Complainant felt the Councillor had breached the Code is identified in the letter the Deputy Monitoring Officer sent to the Councillor on the 6th February 2024 which can be found at Appendix 1.

- 2.6 Prior to commencing the Initial Assessment under the Procedure, the Deputy Monitoring Officer had to determine whether the Councillor was acting in his official capacity as a councillor when writing and sending the Email.
- 2.7 The Council's approach to dealing with complaints stems from legislation. Section 27(2) of the Localism Act 2011 requires all relevant authorities to adopt a code of conduct "dealing with the conduct that is expected of members ... when they are acting in that capacity". The Council has reiterated this in its own Code. As the Email was sent from the Councillor's East Herts Council email address, was signed off by him as a councillor, and crucially, concerned council/ward councillor business, the Deputy Monitoring Officer was satisfied that the Code was engaged.
- 2.8 The Deputy Monitoring Officer then applied the Standards Complaints Assessment Criteria under Appendix 1 of the Procedure and was satisfied that the Complaint could proceed to the Initial Assessment Stage and carried out the steps contained in paragraph 5.5 and 5.8 of the Procedure. The Procedure is attached at Appendix 3.
- 2.9 After consideration of the Councillor's response (Appendix 1) and having consulted the Independent Person, the Deputy Monitoring Officer made one of the assessment decisions set out under 5.2.2 of the Procedure.
- 2.10 The initial assessment decision of the Deputy Monitoring Officer was that the complaint could be concluded without the need for an investigation and/or referral to a Standards Sub Committee thus:-
- Paragraph 5.2.2.2 by taking informal action (including but not limited to mediation, training, apology).**
- 2.11 The Deputy Monitoring Officer then wrote to the Councillor on the 26th March 2024 advising him of her decision and the reasons for it. The informal action proposed included an offer

from the Councillor of an unreserved apology, to the Complainant, which he had previously confirmed, in a letter sent via an email on 2nd March 2024, that he would be happy to provide. A copy of that letter is at Appendix 1. The Councillor was asked to procedure a draft apology for review.

2.12 On 30th March 2024 the Councillor responded to the Deputy Monitoring Officer with a draft of the kind of apology he wished to send to the Complaint. The second paragraph of the draft apology says:-

"As you have made this complaint, I do – as I confirmed to the Leader of the Council – make a full and unreserved apology for any offence I have caused you".

2.13 Despite this, the draft apology then appears to reverse the unreserved apology by seeking to justify the contents of the Email. As a result, the Deputy Monitoring Officer, wrote to the Councillor on 10th April 2024 explaining why the draft apology seemed to be entirely inconsistent with the Councillor's apparent preparedness to apologise unreservedly. For that reason, the Deputy Monitoring Officer was unable to accept it as satisfying the terms of the agreement with the Councillor to apologise unreservedly. She notified the Councillor accordingly on 10th April 2024 (Appendix 1).

2.14 The Councillor responded on 15th May 2024 confirming that his draft apology was indeed "considerably qualified" (despite saying on several occasions they would apologise unreservedly i.e. unqualified). A copy of that response is found in Appendix 1. The Councillor then sent a further email to the Deputy Monitoring Officer and the Leader dated 16th May 2024.

2.15 Under paragraph 5.11 of the Procedure, where a Councillor refuses to engage with an informal approach, in this case, by not providing an acceptable apology in the terms agreed, the

Monitoring Officer may reconsider the decision and decide to move the complaint directly to the Standards Sub Committee for the original complaint (and now alleged failure to co-operate) to be determined.

2.16 In terms of the new apparent breach, failure to co-operate, the relevant part of the Code for the Standards Sub Committee to consider is: -

8. Complying with the Code of Conduct

As a Councillor:

8.2 I cooperate with any Code of Conduct investigation and/or determination.

2.17 Paragraph 5.5 of the Procedure contains the following words:

"Failure to co-operate can itself be a breach of the Code, in addition to the original complaint."

3.0 Reason(s)

- 3.1 Referred to the Standards Sub Committee directly for determination in accordance with paragraph 5.11 of the Procedure.
- 3.2 To consider, investigate and dispense with Code of Conduct Complaints under the Localism Act 2011 and to comply with the Council's Complaints Procedure.

4.0 Options

- 4.1 To determine that the Councillor did not fail to comply with the Code and dismiss the complaint under paragraph 8.19.1 of the Procedure.
- 4.2 To determine that the Councillor did fail to comply with the Code. In these circumstances the Chair will inform the

Councillor of this finding and the reasons for it (paragraph 8.19.2 of the Procedure).

- 4.3 Where the Standards Sub Committee concludes the Councillor did fail to comply with the Code, consider what action, if any, it should take. The actions are set out at paragraphs 9.1.1 to 9.1.10 of the Procedure.
- 4.4 To not determine the complaint and subsequent alleged failure to comply. This is NOT RECOMMENDED as the Council is under a legal duty to promote and maintain high standards of conduct. Complaints therefore need to be assessed, considered and concluded in line with the Localism Act 2011 and the Procedure.

5.0 Risks

- 5.1 Appropriate reporting processes and policy frameworks help to ensure good governance of the Council and therefore reduce risk of poor practice or unsafe decision making.

6.0 Implications/Consultations

- 6.1 The Independent Person is consulted on all complaints as is required under the Localism Act 2011 and or under the Procedure

Community Safety

No

Data Protection

Yes – parts of report and appendices contain personal data under GDPR/DPA.

Equalities

No

In line with the Public Sector Equality Duty, public bodies must, in the exercise of its functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. The contents of this report do not directly impact on equality.

Environmental Sustainability

No - There are no environmental implications to this report.

Financial

No - There are no capital or revenue implications arising from the content of this report. Complaints are dealt with by the Monitoring Officer and Deputy Monitoring Officer, with the potential for some referrals to be made externally should the Procedure indicate that this is appropriate, or because of resource implication within the Service in dealing with it inhouse.

Health and Safety

No

Human Resources

No – The work outlined within the report is within the caseload of the Monitoring Officer. Implications are otherwise touched on under financial implications above.

Human Rights

No

Legal

Yes - The Council has a duty under section 27 of the Localism Act 2011 to promote and maintain high standards of conduct by its Members. Under section 28 of the Act, the authority must adopt a Code dealing with the conduct that is expected of Members when acting in that

capacity. Any alleged failure to comply with the authority's Code must be dealt with under the Procedure.

If the Council receives a complaint of a breach of the Code, it is therefore obliged to follow its Procedure and to do so in a manner that meets the legal duties under the Act. The Standards Sub Committee is the designated Committee for determination of any final complaints if the Councillor concerned refuses to engage with the informal resolution suggested by the Monitoring Officer.

Specific Wards

No

7.0 Background papers, appendices and other relevant material

- 7.1 Appendix 1 – material relating to the complaint
- 7.2 Appendix 2 – the Code
- 7.3 Appendix 3 – the Procedure

Contact Officer

James Ellis

Contact Tel. No. 01279 502170

James.Ellis.@eastherts.gov.uk

Report Author

Victoria Wilders, Legal Services Manager

victoria.wilders@eastherts.gov.uk

Victoria Wilders

From: Victoria Wilders
Sent: 18 November 2024 20:09
To: Victoria Wilders
Subject: FW: Promoting the Public Meeting Monday 18th Dec. 19.00 @ Community Center: "To Discuss Neale Drive" + the Residents' Video

From: Monitoring EHCofficer <monitoring.ehcofficer@eastherts.gov.uk>
Sent: Friday, January 5, 2024 2:51 PM
To: Vicky Glover-Ward <Vicky.Glover-Ward@eastherts.gov.uk>
Cc: Ben Crystall <Ben.Crystall@eastherts.gov.uk>; Victoria Wilders <Victoria.Wilders@eastherts.gov.uk>
Subject: RE: Promoting the Public Meeting Monday 18th Dec. 19.00 @ Community Center: "To Discuss Neale Drive" + the Residents' Video

Dear Cllr Glover-Ward

I hope you had a wonderful Christmas and New Year.

I'm conscious that I have not yet had the opportunity to consider this complaint, and so in order to not hold things up any longer, Victoria as the Deputy Monitoring Officer has offered to assist by taking it on.

I'm sure Victoria will be in touch with you in due course.

Regards



James Ellis
Head of Legal and
Democratic Services
and Monitoring Officer
and Interim Head of
Waste
East Herts District Council
01279 502170
Sign up to our weekly
newsletter - [Network](#)



From: Vicky Glover-Ward <Vicky.Glover-Ward@eastherts.gov.uk>
Sent: 13 December 2023 12:28
To: James Ellis <James.Ellis@eastherts.gov.uk>
Cc: Ben Crystall <Ben.Crystall@eastherts.gov.uk>
Subject: Fw: Promoting the Public Meeting Monday 18th Dec. 19.00 @ Community Center: "To Discuss Neale Drive" + the Residents' Video

Dear Mr Ellis

I would like to refer this matter to you as the monitoring officer. Cllr Woollcombe has been advised on a number of occasions and via a Joint Statement by HCC and EHDC that it would not be legally possible to alter the junction as it would be a breach of planning regulations. He is making allegations about me that he is unable to support; for example that I agreed to wait for the Local Government Ombudsman decision before making a decision on what type of junction should be installed despite me and officers confirming that the layout of the junction cannot be changed.

He has also, in my opinion, assigned the basest motives to the scheduling of the date of the meeting. Sara and other council officers will be able to confirm that it is the only date that we were able to have HCC and EDHC officers plus have the use of the hall in Buntingford.

It is my opinion that Cllr Woollcombe has defamed me, misrepresented the situation and has damaged my standing with other councillors. As such I would like to refer this to you as monitoring officer. I would also note that I have raised concerns about how Cllr Woollcombe interacts with non male members of the council and would request any information you have on training that is available for members regarding diversity and treating non males as fully functioning people rather than a section of the population that can be ignored and patronised

Regards

Vicky Glover-Ward
Cllr Hertford Kingsmead
Executive Member for Planning and Growth

East Herts Council
Wallfields
Pegs Lane
Hertford
SG13 8EQ

From: David Woollcombe <David.Woollcombe@eastherts.gov.uk>

Sent: 13 December 2023 11:35

To: John Dunlop <John.Dunlop@eastherts.gov.uk>; Alex Daar <Alex.Daar@eastherts.gov.uk>; Ben Crystall <Ben.Crystall@eastherts.gov.uk>; Rachel Carter <Rachel.Carter@eastherts.gov.uk>; Vicky Burt <Vicky.Burt@eastherts.gov.uk>; Vicky Smith <Vicky.Smith@eastherts.gov.uk>; George Williams <George.Williams@eastherts.gov.uk>; Graeme Hill <Graeme.Hill@eastherts.gov.uk>; Nick Cox <Nick.Cox@eastherts.gov.uk>; Sarah Hopewell <Sarah.Hopewell@eastherts.gov.uk>; Carl Brittain <Carl.Brittain@eastherts.gov.uk>; Tim Hoskin <Tim.Hoskin@eastherts.gov.uk>; Steven Watson <Steven.Watson@eastherts.gov.uk>; Vicky Glover-Ward <Vicky.Glover-Ward@eastherts.gov.uk>; Sue Nicholls <Sue.Nicholls@eastherts.gov.uk>; Maura Connolly <Maura.Connolly@eastherts.gov.uk>

Cc: Martin Butcher <Martin.Butcher@eastherts.gov.uk>; Chris Hart <Chris.Hart@eastherts.gov.uk>; mark.youngman@hertfordshire.gov.uk <Mark.Youngman@hertfordshire.gov.uk>; Sara Saunders <Sara.Saunders@eastherts.gov.uk>; Neil Button <Neil.Button@eastherts.gov.uk>

Subject: Promoting the Public Meeting Monday 18th Dec. 19.00 @ Community Center: "To Discuss Neale Drive" + the Residents' Video

Dear Green Party Councillors + friends, colleagues and all who care about doing good by the people of Buntingford:

Public Meeting Monday 18th Dec. 19.00 @ Community Center: "To Discuss Neale Drive" – Sweep or T-?

As District Councillors, we don't actually take the Hippocratic Oath: but I hope that we can all agree that our first duty to the citizens who elected us is that we "do them no harm." The problem on the Neale Drive issue, is that successive EHDC Councillors seem determined to do the Residents of this part of Buntingford serious harm. The Public Meeting on Monday is a chance – perhaps our last chance – to change that. So I urge you all to come to the Meeting and, before you do, watch the video made by the residents, called: The Maples - Please keep us ALL safe.

To be clear, I have nothing against Cllr Vicky Glover Ward personally: she is a superb and indefatigable Councillor, and she shares my interest in Swift boxes which makes her a true Green in my book. But, on the Neale Drive issue, I'm afraid she has been wrong and ill-advised every step of the way. Which is why, sadly, I have to write this letter.

For a start, she has promoted Monday's Public Meeting as a chance "to answer your questions regarding the access arrangements to the A10 via Neale Drive."



This is odd! Having worked continuously on this issue since shortly after my election on May 4th, I have not met any one who has questions about the access from Neale Drive to the A10. We all agree that that access should be opened as soon as possible: it should have been opened ages ago. Also, we all agree that Ermine Street, the other main road leading to the A10, should have speed limits and traffic-calming measures. Some, like me, go further: we think that EHDC was criminally negligent for not making it a condition of the Maples development that those speed limits and traffic-calming measures were installed before a brick of that development was laid. But, at this stage, that's water under the bridge.

What Monday's Public Meeting should really be about, is whether the Junction between Neale Drive and Ermine Street is a **Sweep or a T-junction??** Opinion is divided and, if you cannot visit the site, do watch the [video](#) to help you decide. Having lived here for 30+ years, and travelled that road almost daily, I am firmly of the opinion that a T-Junction is the safer option: why re-direct traffic via a tricky-to-negotiate Sweep junction off a perfectly good through route to travel through a Residential estate where children play, people park and cross the street to visit neighbours and old people negotiate narrow pavements on their mobility scooters? Most Buntingford residents I have spoken with agree that it's crazy and, if you watch the [video](#), you will see why. The Buntingford Town Council, who did visit the site, agreed that it was best to "leave the junction lay-out as it is."

Yet Cllr. Glover Ward and other EHDC Councillors seem determined to push through the sweep junction. They say it was always on the Plans for the Maples development. The [video](#) shows this is not true as it shows maps distributed by EHDC, which I have seen, that show the Maples development with a T-junction. Cllr. Glover Ward and others assert that the Neale Drive residents must have known their road would be a Thru-route with a sweep junction on to it. The Neale Drive residents have always asserted, loudly and noisily, that they did not.

But whether they did or not, is irrelevant at this stage because the issue now is one of Safety. Only a Council with a real desire to punish the residents of Neale Drive would want to push through the current unsafe plan. It is a matter of huge regret to me that HCC Cllr. Jeff Jones and EHDC Cllrs. Nicholls and Glover Ward and others in Buntingford seem determined to inflict that punishment on the Neale Drive residents by making their road unsafe to live on. Forget "Do no harm...": these Councillors appear intent on doing them real harm.

It would be simple for us, as the EHDC, to shirk the question and say it is all a matter for HCC Highways. But it is not: HCC Highways tell me that their only responsibility is to execute Planning Decisions made by EHDC and HCC. They will advise and offer opinions, but ultimately, it is we, the Councillors, who must decide. And the Public Meeting on Monday will, I hope, help us make a final decision.

I would have liked to have been part of that decision but, perhaps because Cllr. Glover Ward knows I vehemently oppose her positions, she has scheduled the Public Meeting for a day that she knows I am going to be away. A further concern is that Cllr Glover Ward has already made her mind up to install the Sweep Junction whatever happens on Monday. She has written to me saying: "*The public meeting will not include any discussion whatsoever of alternative layouts of the junction as it is not possible to change the layout of the junction.*"

And yet, that is the only thing that the Residents want to discuss! **Sweep or T-??** Some residents are in favour of the Sweep as they feel it will assist the calming of traffic on Ermine Street. Neale Drive residents obviously want to retain the T-junction. It is a situation that cries out for external adjudication – a position which Cllr Glover Ward originally supported, offering me the option to "*await the determination of the Local*

Government Ombudsman” on the case. Sadly, she has now backed away from that position and seems determined to bullock through the Sweep Junction option and start work on implementing it in January, before the LGO has had a chance to make its ruling.

All of which, I hope you agree, is deeply regrettable. It is also politically inept as it means we, the Green Party, are capitulating to an unwise, unsafe decision made by the previous, Tory-led EHDC rather than sticking up for what is safe for our residents. We talk about being a “Listening Council,” but Cllr Glover Ward has not listened to me or the Residents: she hasn’t even met them.

She will on Monday – by which time, I do hope she will have watched the video and realised that now is the time to STOP trying to defend the indefensible, and retain the T-Junction, or something like it, and introduce the Ermine Street traffic-calming measures as soon as possible.

That would deliver us all a truly Happy Christmas.

Sincerely,

Cllr. David Woollcombe



- Facebook icon EastHertsDC
- Twitter icon EastHerts
- Instagram icon easthertscouncil
- Globe icon eastherts.gov.uk

Cllr David Woollcombe

Sent by email only: David.Woollcombe@eastherts.gov.uk

6th February 2024

Dear Cllr Woollcombe

Complaint: Councillor Code of Conduct – confidential

I am writing to confirm that I, as the Council's Deputy Monitoring Officer, have received an allegation from Cllr Vicky Glover Ward ("the Complainant") that you failed to comply with the East Herts Council's Code of Conduct ("the Code"), a copy of which I enclose for completeness.

A summary of the Complainant's allegation is as follows:

In your email dated the 13th December 2023 at 11:35 ("the Email") which was sent to all East Herts Green party councillors and also officers of East Herts and Hertfordshire County Council you made a number of unsupported allegations about the Complainant namely:-

- That she agreed to wait for the Local Government Ombudsman decision before making a decision on what type of junction should be installed despite both herself and officers confirming that the layout of the junction cannot be changed;

- Making baseless assertions that she scheduled the public meeting specifically on a day when you were not able to attend when it was the only date that both EHDC and HCC officers could attend plus venue availability.
- That the language you use about her is disrespectful, written in a patronising manner, is inflammatory and seeks to damage her standing with other fellow councillors and officers.
- It also came to the Complainant's attention via a third party that you had sent the Email on the same day to several local residents. Due to the language and comments you have made about her, the Complainant feels that you have shown her no respect by seeking to damage her reputation amongst these residents.

In sending the Email to residents, one of the recipients has voiced their disappointment to the Complainant that you did not use the BCC function and as a result their email address (along with all the other recipients' email addresses) have all been shared. This is a personal data breach and therefore I have had to report this to the Council's Data Protection Officer who will be writing to you separately. In relation to this process this may potentially be a breach of paragraph 7 of the Code (explained further below) and I would welcome your comments on this please as part of my initial investigation.

By the above alleged conduct the Complainant feels that you have breached the following parts of the Code:-

1. Respect

As a councillor:

- 1.1 I treat other councillors and members of the public with respect.
- 1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

1.1. I treat other councillors and members of the public with respect.

The Complaint feels that the language you use in the Email was unpolite, discourteous and subjected her to a personal attack. Specific extracts from the Email include the following: -

- "The problem on the Neale Drive issue, is that EHDC Councillors seem determined to do the Residents of this part of Buntingford serious harm"
- "But on the Neale Drive issue, I'm afraid she has been wrong and ill advised every step of the way"
- "For a start, she has promoted Monday's Public Meeting as a chance to "answer your questions regarding the access arrangements to the A10 via Neal Drive" This is odd!"
- "It is a matter of huge regret to me that that HCC Cllr Jeff Jones and EHDC Cllrs Nicholls and Glover Ward and others in Buntingford seem determined to inflict that punishment on the Neale Drive residents by making their road unsafe to live on"
- "Forget "Do no harm..." these Councillors appear intent on doing them real harm"
- "I would have liked to have been part of that decision but, perhaps because Cllr Glover Ward knows I vehemently oppose her positions, she has scheduled the Public Meeting for a date she knows I am going to be away".
- "A further concern is that Cllr Glover Ward has already made up her mind to install the Sweep Junction whatever happens on Monday"
- "Sadly, she has now backed away from that position and seems determined to bullock through the Sweep Junction...before the LGO had had a chance to make its ruling"
- "It is also politically ineptunsafe decision"

1.2.1 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

The Complaint has raised concerns that you have made some very serious allegations against the Council and by implication its officers. I have extracted parts of your Email below: -

- "Some like me, go further; we think that EHDC was criminally negligent for not making it a condition of the Maples development"
- "Only a Council with a real desire to punish the residents of Neale Drive would want to push through the current and unsafe plan".

I would be grateful if when responding to this complaint that you can include what basis you have for stating that EHDC was "criminally negligence" as this is a serious accusation to have made in the public domain.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local authority or using their resource by others:-

- a. Act in accordance with the local authority's requirements

When sending the Email to the residents and failing to BCC recipients a personal data breach has occurred. As part of the complaint against you I will be looking into whether you may have potentially breached part 7.2.1 of the Code. As part of your

response please can you confirm whether you have completed the data protection introductory training which was referenced in your Members Induction and Further Training programme that was provided to you?

Please note that no conclusion has been reached on these allegations, and is merely repeated for your information and to enable you to provide a response and/or why you feel this was not a breach of the Code.

I should be grateful if you would consider the allegation and provide a written response/explanation addressed for my attention either by e-mail or by post within the next 14 days (by **Tuesday 20th February 2024**).

Your response will then be taken into account as part of the Complaints Procedure and considering what action, if any, to take. It is in your interests to co-operate with the initial assessment so that "your side" may be considered as part of this initial process. Please note that if the decision is taken to investigate the allegations fully, then you would be expected to co-operate with that investigation. If you do not respond to the complaint then the conclusions will be based solely on the allegations made.

The potential initial assessment conclusions are:

- • Rejection of the complaint,
- • Informal resolution, or
- • Full investigation.

This should be confirmed to you and the complainant in no more than three months; however I would expect to resolve it much sooner in practice.

At this stage you are advised not to contact or discuss this matter with the Complainant, or other parties who are likely to be witnesses to these allegations. However, you may wish to seek some independent advice in confidence. I will treat this complaint confidentially, although relevant witnesses may be contacted regarding the allegations.

Once I have received your response the matter will be given due consideration and I shall liaise with the Independent Person, Mr Nicholas Moss (a person appointed under the Localism Act to assist with Councillor Complaints), with the aim of oversight of the conclusions reached.

Please note that any written request for information made to the EHDC will be dealt with in accordance with our legal obligations under information access regimes (Freedom of Information Act/Environmental Information Regulations and GDPR and Data Protection Act).

I look forward to hearing from you.

Yours sincerely



Victoria Wilders
Legal Services Manager/Deputy Monitoring Officer

Dear Victoria:

Here we go again! I am sorry that I have been such a problem to you – and would like to say, at the outset, that, as you know, I have had lengthy discussions about this complaint with the Leader of the Council and his deputy. They have advised me to apologise unreservedly to the Complainant. This I am prepared to do.

However – in my defense, and in response to the points raised in your initial letter of 6th February, I would say the following:

General Points:

ONE: The Code of Conduct states: *“As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner...”* Nowhere does it say that you should not *“express, challenge, criticise and disagree with views, ideas, opinions”* of an individual. We all come to the Council from different fields: I come from the field of teaching and drama. If a child in one of my classes gives a wrong answer, I correct him or her, not the whole class. Likewise, if a member of a cast forgets their lines, I criticise them, not the whole cast. It is the same in almost every other field of human activity: it makes no sense to make the error of one councillor appear to be the error of all. Yet by some magical process of osmosis, councillors are supposed to understand that, in the EHDC world, we cannot criticise an individual: to do so is punishable by the complaint that you are currently investigating. The leader of the Council required me to accept this point with some vehemence (*some might opine that he “bullied and harassed” me to accepting the point, using the threat that the Standards Committee would find against me if I did not!*) I find the regulation utterly baffling - both irrational and unhelpful to robust decision-making within the Council. But, as I want to remain a councillor, I will accede to it. To demonstrate my commitment, I have re-written the letters quoted in the complaint without naming the complainant (*see below.*) You can draw your own conclusions as to whether that makes my “views and opinions” more or less “robust but civil”?

TWO: I have received literally hundreds of emails from the complainant over the last ten months – and in many of them, she has criticised me, often in a sneering and sarcastic way. I have not made a complaint against her and have no wish to do so: dealing with attacks and criticism is what I have found this job to be all about. And this response to you is all about her complaint against me, not mine against her: I have no desire to get into a tit-for-tat argument with her. But many of my colleagues are astonished that she has dared to make this complaint about me: she is rude and abrasive to all of us – and if I have attacked her in the way she suggests, it is only because she has chosen, so often, to attack me. She reaps what she has sown.

THREE: As I argued in response to the earlier complaint against me, these infractions of your Code of Conduct could have been avoided if new councillors were given an effective orientation. I understand that the woeful inadequacy of the orientation was not your fault, as the Leader of the Council and his deputy told me that a group of Councillors had drawn up an outline briefing on the orientation that officers should give new Councillors. They agreed with me that the outline briefing could be improved and that, as I feel so strongly that I have been badly let down by the orientation I received, they would welcome my input to the group planning the orientation of future new councillors. This I am happy to do because, as noted above, the rules that apply in the EHDC universe are almost entirely alien to those coming into it from other fields. I therefore commit to ensuring that future new councillors will be apprised of the elephant traps into which I appear to have fallen and make every effort to advise them, in clear terms, about the unfamiliar procedures to which they have to adhere in order to steer clear of the accusations contained in this, and the earlier, complaint.

Specific Points raised in the Letter:

ONE: Unsupported allegations about the Complainant namely:-

- **That she agreed to wait for the Local Government Ombudsman decision before making a decision on what type of junction should be installed despite both herself and officers confirming that the layout of the junction cannot be changed;** This ‘allegation’ is entirely supported by this email from the Complainant: On 24 Sep 2023, at 11:07, Vicky Glover-Ward Vicky.Glover-Ward@eastherts.gov.uk wrote:

Dear David

I note your email below and ... think there are a number of options open to you:

1. You could join other members of the Green Party and campaign to have me removed as Exec for Planning and Growth.
2. You have escalated to Ben so he may have a different opinion and instruct a different response
3. You could join other members of the GP and have me kicked out of the party as 'not a Green' (*I don't think 1 or 3 will actually change the response of either council but it would mean you could show your residents that you have taken action.*)
4. You could, and I would not recommend this as I think the chances of success low and the costs prohibitive, encourage your residents to take legal action against HCC
5. You could wait for the answer from the LGO and regroup at that point

My response: On 2 Oct 2023 12:13, David Woollcombe <David.Woollcombe@eastherts.gov.uk> wrote:

Dear Ben and Vicky:

I have reflected long and hard over your detailed responses to my "What should I do next?" on the Neale Drive situation. THANK YOU for taking the trouble to answer me in such detail with such care and consideration for the difficult position in which I find myself. MUCH APPRECIATED!!

Of the options you listed, my instinct is, as I have told the residents, is to go for Option 5:

"...wait for the answer from the LGO and regroup at that point"

- **Making baseless assertions that she scheduled the public meeting specifically on a day when you were not able to attend when it was the only date that both EHDC and HCC officers could attend plus venue availability.** My defense here is that the residents asked me to protest the timing of the meeting as I am the sole EHDC Councillor who has consistently defended their position against what they describe as "gloating indifference" from the HCC Councillor for Buntingford, and the failure of any EHDC Officer or member of the EHDC Executive to visit them and see for themselves the dangers that the Agreed plan poses to their lives. They begged me to protest the timing of the meeting which they were convinced was set to ensure I was not present to defend them. I feel that it was a fair assumption for them to make – and I was happy to repeat it to the Complainant when I requested that she change the date.
- **That the language you use about her is disrespectful, written in a patronising manner, is inflammatory and seeks to damage her standing with other fellow councillors and officers.** I disagree, obviously: such assessments are necessarily subjective. Jane Honey described my sober and precise reporting of the meeting referenced in the point above as "inflammatory" – something which the residents in my ward described as a clear and shameful example of censorship. The reference point for such judgements is whether or not they are accurate and represent a defensible position. In all the examples you cite, I believe that my words do.
- **It also came to the Complainant's attention via a third party that you had sent the Email on the same day to several local residents. Due to the language and comments you have made about her, the Complainant feels that you have shown her no respect by seeking to damage her reputation amongst these residents.** It would be completely impossible for me to damage the complainants reputation any more than she has damaged it herself: by refusing to come and visit my constituents before she signed off on a joint statement with HCC on it, by failing to consult with them, or me, before calling what we all knew would be a total car-crash of a meeting on 18th December. To them, she was the "tory of the Green Party..." If my remarks reflected that current opinion so widespread in my constituency, I apologise. But the opinion came first – not my words.
- **In sending the Email to residents, one of the recipients has voiced their disappointment to the Complainant that you did not use the BCC function.** Again – I would be happy to do this if some one had told me too. All Councillors' emails are publicly available on the website – and frequently copied in to multiple emails from officers and other councillors. Why should I be punished for doing what every other councillor and officer seems permitted to do? [*Later in this complaint, you reference a data protection introductory training: as I point out, I was not made aware of this. There is no reference to it in the manual delivered to me on election night – the only training manual I ever received and, from my*

*extensive notes of the induction day, I cannot see any mention of a requirement to “use the BCC function.”
If there was, I apologise – and your instructions are noted for future correspondence.]*

TWO: Respect: The Complaint feels that the language you use in the Email was unpolite, discourteous and subjected her to a personal attack. Specific extracts from the Email include the following: I am not going to comment on her subjective opinion of my language: as I state at the start of my letter, I have enormous respect for the work of the Complainant as a councillor. However, sometimes her advice and her strategies are, in my opinion, factually, incorrect. Nothing in the Code of Conduct prevents me from disagreeing with another councillor and – as I said at the outset – if she feels my language indicates a lack of respect, I apologise.

THREE: Very serious allegations against the Council and by implication its officers: I have extracted parts of your Email below: -

- “Some like me, go further; we think that EHDC was criminally negligent for not making it a condition of the Maples development
- “Only a Council with a real desire to punish the residents of Neale Drive would want to push through the current and unsafe plan.”

Thank you for raising this issue: it is, as you say, a very serious one – and one that I have tried to raise with fellow councillors as the residents who have been pestering me in Buntingford have hired their own lawyers to defend their case. Though sometimes sensationalised as “the EHDC has blood on its hands...,” the serious issue relates to the provisions of the Corporate Manslaughter and Corporate Homicide Act 2007. If, as I fear they shortly will, residents serve a notice under this act on Councillors and Council officers, we all could become liable under the Act should a resident get killed because of our negligence in relation to the passing of an unsafe development plan. I urge the Legal Department to investigate their responsibilities under this act and advise Councillors and EHDC staff of their potential liability. That was why I mentioned it in this letter.

FOUR: The data protection introductory training: can you confirm whether you have completed the data protection introductory training which was referenced in your Members Induction and Further Training programme that was provided to you? I have not. I have checked my notes taken during the Induction training and saw no mention of it. Neither have I seen a Further Training programme. Also, during my meeting with Ms Wilders on Tuesday 23rd January, she mentioned a Code of Conduct training, but made no mention of this one. Further, I made an enquiry of Kate Mogan in relation to the “intercepts” carried out by EHDC on our emails, and was referred by her to Tyron Suddes, who responded on 27th February:

Dear Cllr Woolcombe,

Thank you for raising these concerns and in response to your questions:

1. **Did this Council ever authorise officers to make these intercepts?** The council cannot apply a blanket approach in authorising the use of personal information without complying with the UK GDPR and will only intercept emails where no personal information will be processed (i.e. in the case of the essential maintenance or support of the email system) or where an exemption under the Data Protection Act 2018 (DPA 2018) applies (i.e. where the council has a regulatory obligation or to prevent or deter crime). These considerations are carried out in line with the council’s Data Protection Policy and my guidance and/or approval.
2. **Do other Councillors share my constituents’ concern about these intercepts?** I’ve not had any other similar concerns reported.
3. **If not, should this footer appear on all emails and not just on some?** This footer appears on all emails sent to external recipients (i.e. to any recipient where the email address does not contain ‘@eastherts.gov.uk’) and the same information is noted in the council’s Corporate Privacy Notice.

Regarding your concern that your constituents were not aware that emails may be intercepted by council officers, as noted above, and in addition to the footer wording, the council’s Corporate Privacy Notice sets out (in part 6) that information may be shared for the same purposes.

I’d also strongly advise against using your private email account to carry out council business as the council cannot ensure appropriate security measures outside of its secure email system and so there is an increased risk of breaching several parts of the UK GDPR and DPA 2018 which may lead to enforcement action being taken by the Information Commissioner’s Officer against the council.

Regards,

Tyron Suddes

Information Governance and Data Protection Manager and Data Protection Officer East Herts District Council

In relation to this complaint, Mr Suddes wrote to me on 6th February as follows:

Dear Cllr Woolcombe,

I've been made aware of a personal data breach which occurred by way of an email sent by you to recipients without using the BCC function in outlook. This meant that all email addresses would have been visible to all recipients.

A valid lawful basis is required under the UK GDPR to share personal data which should have been consent in this case, however, I have been informed that a recipient has responded to the email noting that consent was not given.

I do not anticipate any harm to the affected data subjects in this case as only their email addresses have been breached and so it will not be reported to the Information Commissioner Office (ICO) on this occasion. In line with the Council's Data Breach Policy, I will draft a breach report and this will be noted as part of a regular update on data protection compliance to the Council's Leadership Team and Audit and Governance Committee.

Please also be aware that the UK GDPR sets out a strict 72 hour timeframe to report data breaches to the ICO wherever these pose any risk to data subjects. Although there was no risk in this case please can I ask that you report any suspected breaches to me as soon as possible in future.

I'd advise that you revisit the data protection training video that was made available to you as part of induction and please take care whenever using personal data.

Regards,

Tyron Suddes

Information Governance and Data Protection Manager and Data Protection Officer East Herts District Council

SAMPLE LETTERS – RE-WRITTEN TO NOT NAME THE COMPLAINANT

My Original Letter of 13th December 2023 @ 11.35am

Dear Green Party Councillors + friends, colleagues and all who care about doing good by the people of Buntingford:

Public Meeting Monday "To Discuss Neale Drive" – Sweep or T-?

As District Councillors, we don't actually take the Hippocratic Oath: but I hope that all of us agree that our first duty to the citizens who elected us is that we "do them no harm." The problem on the Neale Drive issue, is that successive EHDC Councillors seem determined to do the Residents of this part of Buntingford harm. The Public Meeting on Monday is a chance – perhaps our last chance – to change that. So I urge you all to come to the Meeting and, before you do, watch the video made by the residents, called: [The Maples - Please keep us ALL safe.](#)

To be clear, I have nothing against Cllr Vicky Glover Ward personally: she is a superb and indefatigable Councillor, and she shares my interest in Swift boxes which makes her a true Green in my book. But, on the Neale Drive issue, I'm afraid she has been wrong and ill-advised every step of the way. Which is why, sadly, I have to write this letter.

For a start, she has promoted Monday's Public Meeting as a chance "to answer your questions regarding the access arrangements to the A10 via Neale Drive."

<image001.png>

This is odd! Having worked on this issue since shortly after my election on May 4th, I have not met any one who has questions about the access from Neale Drive to the A10. We all agree that that access should be opened as soon as possible: it should have been opened ages ago. Also, we all agree that Ermine Street, the other main road leading to the A10, should have speed limits and traffic-calming measures. Some, like me, go further: we think that EHDC was criminally negligent for not making it a condition of the Maples development that those speed limits and traffic-calming measures were installed before a brick of that development was laid. But, at this stage, that's water under the bridge.

What Monday's Public Meeting should really be about, is whether the Junction between Neale Drive and Ermine Street is a **Sweep or a T-junction??** Opinion is divided and, if you cannot visit the site, do watch the [video](#) to help you decide. Having lived here for 30+ years, and travelled that road almost daily, I am firmly of the opinion that a T-Junction is the safer option: why re-direct traffic via a tricky-to-negotiate Sweep junction off a perfectly good

through route to travel through a Residential estate where children play, people park and cross the street to visit neighbours and old people negotiate narrow pavements on their mobility scooters? Most Buntingford residents I have spoken with agree that it's crazy and, if you watch the [video](#), you will see why. The Buntingford Town Council, who did visit the site, agreed that it was best to "leave the junction lay-out as it is."

Yet Cllr. Glover Ward and other EHDC Councillors seem determined to push through the sweep junction. They say it was always on the Plans for the Maples development. The [video](#) shows this is not true as it shows maps distributed by EHDC, which I have seen, that show the Maples development with a T-junction. Cllr. Glover Ward and others assert that the Neale Drive residents must have known their road would be a Thru-route with a sweep junction on to it. The Neale Drive residents have always asserted, loudly and noisily, that they did not.

But whether they did or not, is irrelevant at this stage because the issue now is one of Safety. Only a Council with a real desire to punish the residents of Neale Drive would want to push through the current unsafe plan. It is a matter of huge regret to me that HCC Cllr. Jeff Jones and EHDC Cllrs. Nicholls and Glover Ward and others in Buntingford seem determined to inflict that punishment on the Neale Drive residents by making their road unsafe to live on. Forget "Do no harm..." : these Councillors appear intent on doing them real harm.

It would be simple for us, as the EHDC, to shirk the question and say it is all a matter for HCC Highways. But it is not: HCC Highways tell me that their only responsibility is to execute Planning Decisions made by EHDC and HCC. They will advise and offer opinions, but ultimately, it is we, the Councillors, who must decide. And the Public Meeting on Monday will, I hope, help us make a final decision.

I would have liked to have been part of that decision but, perhaps because Cllr. Glover Ward knows I vehemently oppose her positions, she has scheduled the Public Meeting for a day that she knows I am going to be away. A further concern is that Cllr Glover Ward has already made her mind up to install the Sweep Junction whatever happens on Monday. She has written to me saying: *"The public meeting will not include any discussion whatsoever of alternative layouts of the junction as it is not possible to change the layout of the junction."*

And yet, that is the only thing that the Residents want to discuss! **Sweep or T-??** Some residents are in favour of the Sweep as they feel it will assist the calming of traffic on Ermine Street. Neale Drive residents obviously want to retain the T-junction. It is a situation that cries out for external adjudication – a position which Cllr Glover Ward originally supported, offering me the option to *"await the determination of the Local Government Ombudsman"* on the case. Sadly, she has now backed away from that position and seems determined to bullock through the Sweep Junction option and start work on implementing it in January, before the LGO has had a chance to make its ruling.

All of which, I hope you agree, is deeply regrettable. It is also politically inept as it means we, the Green Party, are capitulating to an unwise, unsafe decision made by the previous, Tory-led EHDC rather than sticking up for what is safe for our residents. We talk about being a "Listening Council," but Cllr Glover Ward has not listened to me or the Residents: she hasn't even met them.

She will on Monday – by which time, I do hope she will have watched the [video](#) and realised that now is the time to STOP trying to defend the indefensible, and retain the T-Junction, or something like it, and introduce the Ermine Street traffic-calming measures as soon as possible.

That would deliver us all a truly Happy Christmas.

Sincerely,

Cllr. David Woollcombe

That letter revised to delete all mention of the Complainant:

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To be clear, I have nothing against the Council Executive: they are superb and indefatigable Councillors, but on the Neale Drive issue, I'm afraid they have been wrong and ill-advised every step of the way. Which is why, sadly, I have to write this letter.

For a start, they have promoted Monday's Public Meeting as a chance “to answer your questions regarding the access arrangements to the A10 via Neale Drive.”

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This is odd! Having worked on this issue since shortly after my election on May 4th, I have not met any one who has questions about the access from Neale Drive to the A10. We all agree that that access should be opened as soon as possible: it should have been opened ages ago. Also, we all agree that Ermine Street, the other main road leading to the A10, should have speed limits and traffic-calming measures. Some, like me, go further: we think that EHDC was criminally negligent for not making it a condition of the Maples development that those speed limits and traffic-calming measures were installed before a brick of that development was laid. But, at this stage, that's water under the bridge.

What Monday's Public Meeting should really be about, is whether the Junction between Neale Drive and Ermine Street is a **Sweep or a T-junction??** Opinion is divided and, if you cannot visit the site, do watch the video to help you decide. Having lived here for 30+ years, and travelled that road almost daily, I am firmly of the opinion that a T-Junction is the safer option: why re-direct traffic via a tricky-to-negotiate Sweep junction off a perfectly good through route to travel through a Residential estate where children play, people park and cross the street to visit neighbours and old people negotiate narrow pavements on their mobility scooters? Most Buntingford residents I have spoken with agree that it's crazy and, if you watch the video, you will see why. The Buntingford Town Council, who did visit the site, agreed that it was best to “leave the junction lay-out as it is.”

Yet the Council Executive seem determined to push through the sweep junction. They say it was always on the Plans for the Maples development. The video shows this is not true as it shows maps distributed by EHDC, which I have seen, that show the Maples development with a T-junction. The Council Executive asserts that the Neale Drive residents must have known their road would be a Thru-route with a sweep junction on to it. The Neale Drive residents have always asserted, loudly and noisily, that they did not.

But whether they did or not, is irrelevant at this stage because the issue now is one of Safety. Only a Council with a real desire to punish the residents of Neale Drive would want to push through the current unsafe plan. It is a matter of huge regret to me that the HCC and the EHDC Council Executive + others in Buntingford seem determined to inflict that punishment on the Neale Drive residents by making their road unsafe to live on. Forget “Do no harm...” : these Councillors appear intent on doing them real harm.

It would be simple for us, as the EHDC, to shirk the question and say it is all a matter for HCC Highways. But it is not: HCC Highways tell me that their only responsibility is to execute Planning Decisions made by EHDC and HCC. They will advise and offer opinions, but ultimately, it is we, the Councillors, who must decide. And the Public Meeting on Monday will, I hope, help us make a final decision.

I would have liked to have been part of that decision but, perhaps because the Council Executive knows I vehemently oppose their position, they have scheduled the Public Meeting for a day that they know I am going to be away. A further concern is that a member of the Council Executive has already made their mind up to install the Sweep Junction whatever happens on Monday. The member has written to me saying: “The public meeting

will not include any discussion whatsoever of alternative layouts of the junction as it is not possible to change the layout of the junction."

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Sincerely,

Cllr. David Woollcombe

My Original Letter of 13th December 2023 @ 11.09am

From: David Woollcombe <David.Woollcombe@eastherts.gov.uk>

Sent: Wednesday, December 13, 2023 11:09 AM

To: Ben Crystall <Ben.Crystall@eastherts.gov.uk>; Vicky Burt <Vicky.Burt@eastherts.gov.uk>; Sue Nicholls <Sue.Nicholls@eastherts.gov.uk>; Alex Daar <Alex.Daar@eastherts.gov.uk>; Carl Brittain <Carl.Brittain@eastherts.gov.uk>; [REDACTED]

Subject: This is getting nasty...

Dear Ben, Simon et al:

This is getting nasty...

As you know, and as you will have read in my note to you all promoting the Public Meeting on Monday, and the video made by residents, I am vehemently opposed to the positions taken by Cllr. Glover Ward on the Neale Drive issue. She is well aware of my feelings on this issue which is why, I am sure, she has arranged to hold the Public Meeting when I am on the other side of the world.

She is well within her rights to do so: what she has no right to do is to intercept a private email between myself and the Residents and the lawyers representing them who asked for any evidence I might have that she is using the Public Meeting as a tick-box exercise. They feel sure that she has no intention of either listening to, or acting upon, the evidence that residents might bring to the Meeting – and I offered them my own written evidence that supports that opinion.

I have no idea how she got hold of my email, but I do know that she has, uninvited, responded to it. The residents and lawyer to whom it was sent have not forwarded it to any one else, so they are convinced that Cllr. Glover Ward has found a way to hack into my East Herts email. Which should be a serious breach of the Code of Conduct?

I and the residents would happily put all this behind if Cllr. Glover Ward would just see sense and agree to retain the T-junction between Ermine Street and Neale Drive. But if, as I fear, she is using devious means to undermine what I know to be an honest piece of advocacy by myself and others to reverse a bad and dangerous decision, we, the EHGP, should perhaps talk further?

I leave it to your judgement but you will understand that, when I took up this role, I expected opposition from other parties. I did not expect the kind of opposition and attempts at humiliation I have received at the hands of my own party.

Happy Christmas!

David

Councillor David Woollcombe, East Herts District Council
Buntingford Ward

That letter revised to delete all mention of the Complainant:

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I have no idea how a member of the Council Executive got hold of my email, but I do know that they have and, uninvited, have responded to it. The residents and lawyer to whom it was sent have not forwarded it to any one else, so they are convinced that a member of the Council Executive has found a way to hack into my East Herts email. Which should be a serious breach of the Code of Conduct?

I and the residents would happily put all this behind if the Council Executive would just see sense and agree to retain the T-junction between Ermine Street and Neale Drive. But if, as we fear, they are using devious means to undermine what I know to be an honest piece of advocacy by myself and others to reverse a bad and dangerous decision, we, the EHGP, should perhaps talk further?

I leave it to your judgement but you will understand that, when I took up this role, I expected opposition from other parties. I did not expect the kind of opposition and attempts at humiliation I have received at the hands of my own party Executive.

Happy Christmas!

David

Councillor David Woollcombe, East Herts District Council
Buntingford Ward

My Original Letter of 10th December 2023 @ 22.04pm

From: David Woollcombe <David.Woollcombe@eastherts.gov.uk>

Date: Sunday, 10 December 2023 at 22:24

Subject: Vicky Glover Ward's "Tick Box" Public Meeting exercise

Dear [REDACTED]

Further to your request for information that suggests that EHDC and its Executive in Charge of Planning, Vicky Glover-Ward, are hosting this Public Meeting as a tick-box exercise to prove that they are allowing the residents to "let off steam" – but with no real intention of changing anything, least of the lay-out of the junction between Neale Drive and Ermine Street, I offer you the following written evidence:

ONE: *The EHDC and HCC Joint Statement delivered to us all by Vicky Glover-Ward on Monday 18th September 2023, states in Paragraph 5 on Page 1:*

"There is no mechanism within the planning system that allows a LPA to reopen a case and reconsider matters that have already been through the planning process and decided upon, unless there has been a breach of the planning permission itself such as that set out above."

TWO: *In her email to me on Sunday 24th September @11.07, she wrote:*

"I realise that you think that this is a slam dunk, obvious thing that needs changing but, I have looked at the planning information in detail and I think it is clear that the junction was always intended to be a swept junction and the road a through road. This is crystal clear in my opinion. This should not be a case of 'Green councillors uniting against Jeff Jones' but should be a case of doing what is legal and right. That is what I believe I am doing."

THREE: *In her email to me of Sunday 18th November at 20:01, she wrote:*

"Dear David: I think you may have gotten hold of the wrong end of the stick regarding the content of the agenda for the public meeting that I will be chairing. So just to clarify:

As per the joint position statement that was issued from HCC and EHDC it is not possible to change the junction. The public meeting will not include any discussion whatsoever of alternative layouts of the junction as it is not possible to change the layout of the junction.

FOUR: *In response to my email of 1st December suggesting that, having spoken to both parties, I proposed holding a join "Conflict Transformation" meeting to explore the possibility of finding common ground between the Neale Drive and Ermine Street Residents, she replied to me immediately saying:*

From: Vicky Glover-Ward Vicky.Glover-Ward@eastherts.gov.uk

Date: Friday, 1 December 2023 at 11:50

To: David Woollcombe David.Woollcombe@eastherts.gov.uk

Subject: Re: Neale Drive / Ermine Street Update: a Christmas Truce??

"David

I would politely request that you desist from your efforts, well intentioned as they are, as they are only giving a false hope that the junction will be significantly modified. This is not fair on the residents."

Regards

Vicky Glover-Ward
Cllr Hertford Kingsmead
Executive Member for Planning and Growth

I think all of this is compelling proof that Cllr. Glover-Ward does not have any intention of exploring alternatives to the current, inherently dangerous layout of the Junction between Neale Drive and Ermine Street. My suggestion for a mini-roundabout with 3-way Give Way signs which would ease the flow of traffic along the direct exit to the A10 via Ermine Street is not even to be considered, even though it would be much safer than the sweep junction. Traffic Lights with a Pedestrian / Cycle crossing would be even safer, but she forbid me to hold a meeting for the residents to consider this.

For some one who has pioneered the idea of a "Listening Council" in EHDC, she seems to be curiously reluctant to listen to anyone who does not share her opinion. Particularly me and the Neale Drive residents! I cannot believe that it was accidental that she chose to host the Public Meeting on 18th December when she knows that I, her major opponent on the EHDC, will be on the other side of the world. It adds to the impression that she seems determined to ensure that the Neale Drive residents live for ever on a dangerous through traffic route. It would have been so easy to enable the No. 18 Bus, and other Maples residents to use the Neale Drive exit on to the A10, while everyone else uses the familiar Ermine Street exit. And much, much cheaper!

I will not cease in my opposition to this junction lay-out which she seems determined to force through. We don't actually take a Hippocratic Oath as councillors, but I feel my first duty to those who voted for me is: "Do No Harm!" Any sentient human being with a functioning brain would recognise that, building a dangerous junction which makes it doubly difficult for traffic trying to use Ermine Street, in order to "sweep" most through traffic down a residential street, where neighbours park cars to visit each other, children play, and elderly people have to step off narrow pavements to get past other pedestrians, is doing enormous Harm. It is, in a word, INSANE! Yet that is the insanity that my Green Party Leaders and EHDC and HCC officers seem determined to inflict on the people who voted me into office.

In other circumstances, I would be tempted to resign in disgust. But – I will not abandon my constituents. I will continue to oppose this insane decision till my last breath. I trust that other colleagues in the Green Party, the sentient human beings amongst them, will support me.

Sincerely,

Councillor David Woolcombe, East Herts District Council
Buntingford Ward

That letter revised to delete all mention of the Complainant:

From: David Woolcombe <David.Woolcombe@eastherts.gov.uk>

Date: Sunday, 10 December 2023 at 22:24

Subject: The EHDC Council Executive's "Tick Box" Public Meeting exercise

Dear [REDACTED]

Further to your request for information that suggests that EHDC and its Executive are hosting this Public Meeting as a tick-box exercise to prove that they are allowing the residents to "let off steam" – but with no real intention

of changing anything, least of the lay-out of the junction between Neale Drive and Ermine Street, I offer you the following written evidence:

ONE: *The EHDC and HCC Joint Statement delivered to us all on Monday 18th September 2023, states in Paragraph 5 on Page 1:*

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FOUR: *In response to my email of 1st December suggesting that, having spoken to both parties, I proposed holding a join “Conflict Transformation” meeting to explore the possibility of finding common ground between the Neale Drive and Ermine Street Residents, the EHDC Executive replied to me immediately saying:*

Date: Friday, 1 December 2023 at 11:50

To: David Woollcombe David.Woollcombe@eastherts.gov.uk

Subject: Re: Neale Drive / Ermine Street Update: a Christmas Truce??

“David

I would politely request that you desist from your efforts, well intentioned as they are, as they are only giving a false hope that the junction will be significantly modified. This is not fair on the residents.”

Regards

Executive Member for Planning and Growth

I think all of this is compelling proof that the EHDC Executive does not have any intention of exploring alternatives to the current, inherently dangerous layout of the Junction between Neale Drive and Ermine Street. My suggestion for a mini-roundabout with 3-way Give Way signs which would ease the flow of traffic along the direct exit to the A10 via Ermine Street is not even to be considered, even though it would be much safer than the sweep junction. Traffic Lights with a Pedestrian / Cycle crossing would be even safer, but she forbid me to hold a meeting for the residents to consider this.

For a group that has pioneered the idea of a “Listening Council,” the EHDC seems curiously reluctant to listen to anyone who does not share their opinion. Particularly me and the Neale Drive residents! I cannot believe that it was accidental that they chose to host the Public Meeting on 18th December when they know that I, their major opponent on the EHDC, will be on the other side of the world. It adds to the impression that they seem determined to ensure that the Neale Drive residents live for ever on a dangerous through traffic route. It would have been so easy to enable the No. 18 Bus, and other Maples residents to use the Neale Drive exit on to the A10, while everyone else uses the familiar Ermine Street exit. And much, much cheaper!

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In other circumstances, I would be tempted to resign in disgust. But – I will not abandon my constituents. I will continue to oppose this insane decision till my last breath. I trust that other colleagues in the Green Party, the sentient human beings amongst them, will support me.

Sincerely,

Councillor David Woollcombe, East Herts District Council

Buntingford Ward



Facebook: EastHertsDC
Twitter: EastHerts
Instagram: easthertscouncil
Website: eastherts.gov.uk

Cllr David Woollcombe

Sent by email only: David.Woollcombe@eastherts.gov.uk

Dear Cllr Woollcombe

Complaint: Councillor Code of Conduct – confidential

6th February 2024

I am writing to confirm that I, as the Council's Deputy Monitoring Officer, have received an allegation from Cllr Vicky Glover Ward ("the Complainant") that you failed to comply with the East Herts Council's Code of Conduct ("the Code"), a copy of which I enclose for completeness.

A summary of the Complainant's allegation is as follows:

In your email dated the 13th December 2023 at 11:35 ("the Email") which was sent to all East Herts Green party councillors and also officers of East Herts and Hertfordshire County Council you made a number of unsupported allegations about the Complainant namely:-

- That she agreed to wait for the Local Government Ombudsman decision before making a decision on what type of junction should be installed despite both herself and officers confirming that the layout of the junction cannot be changed;
- Making baseless assertions that she scheduled the public meeting specifically on a day when you were not able to attend when it was the only date that both EHDC and HCC officers could attend plus venue availability.
- That the language you use about her is disrespectful, written in a patronising manner, is inflammatory and seeks to damage her standing with other fellow councillors and officers.
- It also came to the Complainant's attention via a third party that you had sent the Email on the same day to several local residents. Due to the language and comments you have made about her, the Complainant feels that you have shown her no respect by seeking to damage her reputation amongst these residents.

In sending the Email to residents, one of the recipients has voiced their disappointment to the Complainant that you did not use the BCC function and as a result their email address (along with all the other recipients' email addresses) have all been shared. This is a personal data breach and therefore I have had to report this to the Council's Data Protection Officer who will be writing to you separately. In relation to this process this may potentially be a breach of paragraph 7 of the Code (explained further below) and I would welcome your comments on this please as part of my initial investigation.

By the above alleged conduct the Complainant feels that you have breached the following parts of the Code:-

1. Respect: As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

1.1. I treat other councillors and members of the public with respect.

The Complainant feels that the language you use in the Email was unpolite, discourteous and subjected her to a personal attack. Specific extracts from the Email include the following: -

- "The problem on the Neale Drive issue, is that EHDC Councillors seem determined to do the Residents of this part of Buntingford serious harm"
- "But on the Neale Drive issue, I'm afraid she has been wrong and ill advised every step of the way"
- "For a start, she has promoted Monday's Public Meeting as a chance to "answer your questions regarding the access arrangements to the A10 via Neal Drive" This is odd!"
- "It is a matter of huge regret to me that that HCC Cllr Jeff Jones and EHDC Cllrs Nicholls and Glover Ward and others in Buntingford seem determined to inflict that punishment on the Neale Drive residents by making their road unsafe to live on"
- "Forget "Do no harm..." these Councillors appear intent on doing them real harm"
- "I would have liked to have been part of that decision but, perhaps because Cllr Glover Ward knows I vehemently oppose her positions, she has scheduled the Public Meeting for a date she knows I am going to be away "
- "A further concern is that Cllr Glover Ward has already made up her mind to install the Sweep Junction whatever happens on Monday"
- "Sadly, she has now backed away from that position and seems determined to bullock through the Sweep Junction...before the LGO had had a chance to make its ruling"
- "It is also politically ineptunsafe decision"

1.2.1 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

The Complainant has raised concerns that you have made some very serious allegations against the Council and by implication its officers. I have extracted parts of your Email below: -

- "Some like me, go further; we think that EHDC was criminally negligent for not making it a condition of the Maples development"
- "Only a Council with a real desire to punish the residents of Neale Drive would want to push through the current and unsafe plan".

I would be grateful if when responding to this complaint that you can include what basis you have for stating that EHDC was "criminally negligence" as this is a serious accusation to have made in the public domain.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local authority or using their resource by others:-

a. Act in accordance with the local authority's requirements

When sending the Email to the residents and failing to BCC recipients a personal data breach has occurred. As part of the complaint against you I will be looking into whether you may have potentially breached part 7.2.1 of the Code. As part of your response please can you confirm whether you have completed the data protection introductory training which was referenced in your Members Induction and Further Training programme that was provided to you?

Please note that no conclusion has been reached on these allegations, and is merely repeated for your information and to enable you to provide a response and/or why you feel this was not a breach of the Code.

I should be grateful if you would consider the allegation and provide a written response/explanation addressed for my attention either by e-mail or by post within the next 14 days (by Tuesday 20th February 2024).

Your response will then be taken into account as part of the Complaints Procedure and considering what action, if any, to take. It is in your interests to co-operate with the initial assessment so that "your side" may be considered as part of this initial process. Please note that if the decision is taken to investigate the allegations fully, then you would be expected to co-operate with that investigation. If you do not respond to the complaint then the conclusions will be based solely on the allegations made.

The potential initial assessment conclusions are:

- Rejection of the complaint,
- Informal resolution, or
- Full investigation.

This should be confirmed to you and the complainant in no more than three months; however I would expect to resolve it much sooner in practice.

At this stage you are advised not to contact or discuss this matter with the Complainant, or other parties who are likely to be witnesses to these allegations. However, you may wish to seek some independent advice in confidence. I will treat this complaint confidentially, although relevant witnesses may be contacted regarding the allegations.

Once I have received your response the matter will be given due consideration and I shall liaise with the Independent Person, Mr Nicholas Moss (a person appointed under the Localism Act to assist with Councillor Complaints), with the aim of oversight of the conclusions reached.

Please note that any written request for information made to the EHDC will be dealt with in accordance with our legal obligations under information access regimes (Freedom of Information Act/Environmental Information Regulations and GDPR and Data Protections Act).

I look forward to hearing from you.

Yours sincerely

Victoria Wilders
Legal Services Manager/Deputy Monitoring Officer



Victoria Wilders

From: Victoria Wilders
Sent: 16 May 2024 17:02
To: David Woollcombe
Cc: Ben Crystall
Subject: Code of Conduct complaint by Cllr Glover Ward

Dear Cllr Woollcombe,

Thank you for your emails of yesterday and today.

As an officer of the Council I am simply applying its complaints handling procedure for matters relating to Councillors' Code of Conduct ("the Procedure") to a specific complaint made against you by Cllr Glover Ward.

You have an absolute right to decide that you do not wish to give Cllr Glover-Ward an unreserved apology. In the light of your decision and pursuant to the Procedure, I am referring the complaint to the Council's Standards sub-committee for that body to determine whether or not you have breached the Code of Conduct.

I shall contact you again in due course about the arrangements for that purpose

In relation to some of your comments below particularly the *"inhumane legalistic procedures"* and *"that there is something deeply wrong and immoral about the EHDC's legal set up"*, whilst I am unsure as to what you mean, given the potential severity of these accusations I have referred this to James Ellis as the Monitoring Officer. James will be contacting you separately.

Regards



Victoria Wilders
Legal Services Manager/
Deputy Monitoring Officer
East Herts District Council
01279 502195
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From: David Woollcombe <David.Woollcombe@eastherts.gov.uk>
Sent: Thursday, May 16, 2024 12:43 PM
To: Victoria Wilders <Victoria.Wilders@eastherts.gov.uk>; Ben Crystall <Ben.Crystall@eastherts.gov.uk>
Subject: Apologising to Cllr. Glover Ward

Dear Victoria and Ben:

Again – we find ourselves in different universes – you asking me to leave my conscience and values at the door – and stick to inhuman legalistic procedures which you, Ben, like to characterise as being the essence of being a “Grown-up” councillor. By contrast, I put human values first. And I feel that you, and EHDC, should too. That you cannot, suggests to me that there is something deeply wrong and immoral about the EHDC’s legal set up.

I found it incredibly offensive that you forced me to apologise to the appalling Publican in Buntingford who threw me out of his pub for trying to improve community relations. He should have apologised to me – and in any human-centred universe – you would have supported my position on this. I kow-towed to you on that issue. But now – again – you are holding a gun to my head and demanding that I apologise to Cllr. Glover Ward – who should apologise to me, and to the residents of Buntingford who elected me, for having behaved in such a high-handed way towards me, and them and their personal safety.

If I have offended her, you may report to her, as I told you, that I apologise unreservedly. But – I don’t believe I have – and I believe that, if she has the best interests of my residents and the reputation of EHDC in my ward, she would contact me personally, and allow me to set up the meeting that she promised them she would attend with me and the principles in the Neale Drive matter. As I requested in my letter to her (*attached – in adjusted form – below*)

You will understand that, at my age and with my life experience, I am not about to leave my conscience and values at the door of EHDC or anywhere else. And you should not make that a requirement of being a Councillor. Or, if you do want that to be a requirement, you should make that very clear in your orientation of new councillors.

I know that Ben feels that this is a petty-fogging issue that I should put behind me but, like the debate last night over “Chair vs. Chairman,” - it is an issue that goes to the heart of what it is to be a Councillor: do you want us to detach ourselves from our Humanity and behave like Robots obeying the rules set up by previous Councils? Or do you want us to behave like human beings and obey the rules and values that have formed the foundations of human civilisation and morality over the centuries?

It is a serious question – and I shall bring it up at our Awayday, as your answers to that question should inform the impulses that any of us have for being a councillor and, by consequence, voting for the Green Party. It also informs far more serious EHDC issues like the North Harlow development where it seems obvious to me that Thames Water has seriously misrepresented its ability to provide the water supply and STW to 10,000 new homes. Again – I would urge you to sit down with the concerned residents who voted for our party – but whose appeals to meet, you, Ben - and Cllr. Glover Ward, have consistently refused: as I told you on the phone that, to me, is a much bigger Breach of Faith / civilised Conduct than the one of which Cllr. Glover Ward has, with your support, brought against me. But I choose to pester you on that matter as a human being, not through the arcane legal procedures of the Council.

I do urge you to NOT forget that you are a Human Being first, Councillor second.

Best wishes,
Sincerely,

Councillor David Woolcombe, East Herts District Council
Buntingford Ward

Dear Councillor Glover-Ward:

I am shocked that you have chosen to accuse me of a Breach of Code of Conduct: at no point in our long-standing disagreements over the Neale Drive issue did I feel that I was being offensive towards you though – as you must know – my constituents did find your behaviour towards them extremely unhelpful and offensive. If you felt that my support of the people

who voted me into office was, by association, offensive towards you, I am happy to apologise to you on my own, and their, behalf.

Though you have consistently advised me not to place too much faith in the LGO process, my constituents have had very constructive conversations with them, and have been told that the LGO determination will be with the EHDC by the end of the month. It seems likely that, as I advised you before you called the unhelpful 18th Dec. meeting, they will recommend that you call a small meeting of the principles on the Neale Drive issue to try to resolve this issue.

I do hope that, after the LGO delivers its recommendations, that you will agree to bury hatchets, and have that meeting. I would love to work constructively with you to resolve this matter – which has dragged on for 5 years, and continues to undermine my constituents' faith in the EHDC and the Green Party.

With very best wishes,
Sincerely,

Councillor David Woollcombe, EHDC
Buntingford Ward

From: David Woollcombe <David.Woollcombe@eastherts.gov.uk>

Date: Wednesday, 15 May 2024 at 12:29

To: Victoria Wilders <Victoria.Wilders@eastherts.gov.uk>

Subject: Re: Initial assessment decision

Dear Victoria:

You are right – my apology is considerably qualified: you cannot force me to change a decision I made on grounds of conscience, values and consideration of the feelings of my constituents. It is that decision which gave rise to my disagreement with Cllr. Glover Ward. I will not apologise for holding and promoting that decision – and would even move a vote of No Confidence in Cllr. Glover Ward should she persist in her under-hand and back door methods of undermining my principled stand on the Neale Drive issue.

The Local Government Ombudsman, whose position Cllr Glover Ward has consistently sought to undermine, will report in the next two weeks: if – as they have indicated – they support my position on the issue of dispute with Cllr. Glover Ward – I see no reason for you to force me to apologise.

Rather, I feel that you should stand up and support Councillors like myself who take principled positions on behalf of those that elected us – rather than cow-tow to members of the executive who are proven wrong.

Best wishes,

David

Councillor David Woolcombe, East Herts District Council
Buntingford Ward

From: Victoria Wilders <Victoria.Wilders@eastherts.gov.uk>
Date: Monday, 29 April 2024 at 10:26
To: David Woolcombe <David.Woolcombe@eastherts.gov.uk>
Subject: FW: Initial assessment decision

Dear Councillor Woolcombe

I hope you are well.

I don't seem to have a response from you to my email below, apologies if I have missed anything. I would be grateful you can come back to me by the end of this week please.

Many thanks

Victoria



Victoria Wilders
Legal Services Manager/
Deputy Monitoring Officer
East Herts District Council
01279 502195
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From: Victoria Wilders
Sent: Wednesday, April 10, 2024 6:27 PM
To: David Woolcombe <David.Woolcombe@eastherts.gov.uk>
Subject: RE: Initial assessment decision

Dear Councillor Woolcombe,

Thank you for note. Apologies for the delay in coming back to you I have been on annual leave due to school holidays.

I am sure that you would wish me to offer you an unambiguous response to your draft apology to Councillor Glover-Ward. I am afraid that in my view and in the view of the independent person, it falls significantly short of what might reasonably be expected of what I thought you and I had agreed would be an unqualified apology. I think that is what you agreed with the Leader, also.

Indeed, you say in your second paragraph of your draft that you wish to make ‘... **make a full and unreserved apology for any offence I may have caused you.**’ However, the bulk of your letter reprises and seeks to justify the material that prompted Councillor Glover-Ward to complain in the first place. Such an approach amounts, at best, to a qualified apology. At worst it is likely to be regarded by a recipient as a non-apology. You will understand, therefore, that I am unable to accept your draft in its current form. Might I suggest that you limit to a simple, brief, apology based, perhaps, on the second line of your draft - as quoted above in bold - and leave it that? From my point of view, such an approach would enable me to conclude this matter.

I look forward to hearing from you.

Regards

Victoria



Victoria Wilders
Legal Services Manager/
Deputy Monitoring Officer
East Herts District Council
01279 502195
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From: David Woollcombe <David.Woollcombe@eastherts.gov.uk>
Sent: Saturday, March 30, 2024 1:59 PM
To: Victoria Wilders <Victoria.Wilders@eastherts.gov.uk>
Subject: Re: Initial assessment decision

Thanks Victoria – and Happy Easter!

I attach below a draft of the kind of apology I would think to send.

With best wishes,

David

Dear Councillor Glover-Ward:

I am shocked, and rather disappointed, that you chose to launch a Breach of Code of Conduct complaint against me. You could have picked up the phone and discussed it with me: that’s what most colleagues in most businesses would do in a situation like this.

As you have made this complaint, I do – as I confirmed the Leader of the Council – make a full and unreserved apology for any offence I may have caused you.

I suspect that your complaint arises from our differing opinions on the right thing to do about the Neale Drive situation in Buntingford. As you may also know, I have now made a full and detailed study of the EHDC Code of Conduct and sat through a deeply unhelpful “Training” on the Code by Council Staff. As a result, I know that it states: *“As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner...”* I do hope

that all my communications with you have been “*in a robust but civil manner.*” I named you in the correspondence as, nowhere does the Code of Conduct state that you should not “*express, challenge, criticise and disagree with views, ideas, opinions*” of an individual. Given that you were the main proponent of the views which I felt were so wrong, and created a real and present danger to the residents of Neale Drive – the people who campaigned for our party and voted for me – I hope you will understand why I named you.

I was also disappointed that you didn't take up my offer to hold a small meeting of the principles on the Neale Drive issue, rather than host an inevitably raucous and inconclusive public meeting on the subject. I hope, as the dust from this complaint settles, you will agree to bury hatchets, and look to meet with me and the principles on this issue as I suggested, perhaps at Wallfields. Please let us work together and try, at long last, to reach a resolution on this matter – which has dragged on for five years and continues to exercise my constituents most acutely.

With very best wishes,
Sincerely,

Councillor David Woolcombe, EHDC
Buntingford Ward

From: Victoria Wilders <Victoria.Wilders@eastherts.gov.uk>
Date: Tuesday, 26 March 2024 at 13:20
To: David Woolcombe <David.Woolcombe@eastherts.gov.uk>
Subject: Initial assessment decision

Dear Cllr Woolcombe

Thank you for your response.

My initial assessment decision is that I am satisfied that this complaint can be dealt with informally under the Complaints Handling Procedure (“the Procedure”). I confirm that I have consulted with the Independent Person who is in agreement with this course of action.

The informal resolution will be for you to apologise to Cllr Glover Ward. I note that at the beginning of your response to her complaint you have said that you are prepared to apologise unreservedly to Cllr Glover Ward. I look forward to receiving a draft of that apology for review please. I would be grateful if you could provide this to me **by Friday 5th April** by the latest.

I would also like you to undertake further training on the Code of Conduct and I am currently looking at arranging something that is appropriate. I will be in touch in due course.

As per the Procedure if a Councillor refuses to engage with such informal action by not apologising or attending training then I may reconsider my decision and decide whether to move the complaint to the Investigation Stage (or directly to the Standards Sub-Committee for the original complaint (and failure to co-operate) to be determined.

I look forward to hearing from you.

Regards

Victoria



Victoria Wilders
Legal Services Manager/
Deputy Monitoring Officer
East Herts District Council
01279 502195
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newsletter - **Network**



From: David Woolcombe <David.Woolcombe@eastherts.gov.uk>
Sent: Saturday, March 2, 2024 6:01 PM
To: Victoria Wilders <Victoria.Wilders@eastherts.gov.uk>
Subject: Cllr Woolcombe's response to Cllr Glover Ward's complaint....

Dear Victoria:

Herewith, as promised, my response Cllr Glover Ward's complaint.

Best wishes,

Councillor David Woolcombe, East Herts District Council
Buntingford Ward

Local Government Association

Model Councillor Code of Conduct 2020

Joint statement

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviors and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area; taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

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 of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i. I have received the consent of a person authorised to give it;**
 - ii. I am required by law to do so;**
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - iv. the disclosure is:**
 - 1. reasonable and in the public interest; and**
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - 3. I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local or authorising their use by others:

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority .

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**

- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**

- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative, close associate; or
 - c. a body included in those you need to disclose under Other Registerable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter **affects** your financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. 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 made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licenses	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where (to the councillor's knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; 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 councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority
- b) any body
 - (i) exercising functions of a public nature
 - (ii) any body directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on Local Government Ethical Standards. If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.



East Herts District Council

Complaints Handling Procedure for matters relating to the Councillors' Code of Conduct

Document Control

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1. Introduction

- 1.1 These Procedures set out the arrangements for how a formal complaint against a Councillor can be made and thereafter handled. This covers complaints that an elected or co-opted Councillor of East Herts Council (or of a Parish, Town or Community Council within the East Hertfordshire area) has failed to comply with that authority's Councillors' Code of Conduct. This does not cover complaints against East Herts or local Councils as a whole, nor employees of those Councils. Note that in respect of the latter, East Herts Council has no legal remit to consider such complaints and would instead be an internal HR matter for that local Council.
- 1.2 Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place "arrangements" under which allegations that a Councillor or co-opted Councillor of East Herts Council (or of a Parish, Town or Community Council within the authority's area), who is acting or appears to be acting as a Councillor at that time, has failed to comply with the applicable Councillor's Code of Conduct. Those arrangements must allow for such complaints to be considered, and where appropriate, investigated and decided upon.
- 1.3 Any such complaint received by East Herts Council will be assessed against the criteria set out in Appendix 1. Where this is a complaint against a Parish, Town or Community Councillor, *there will be an expectation that this has at least been attempted to be resolved locally in the first instance.*

2. The Code of Conduct

- 2.1 East Herts Council has adopted a Code of Conduct for Councillors, which can be found in [Section 14](#) of the Council's Constitution.
- 2.2 Each Parish/Town or Community Council is also required to adopt a Code of Conduct. These should be available on the Parish, Town or Community Council's website and/or by request to the relevant council's Clerk.

3. Making a complaint

- 3.1 If you wish to make a complaint, the '[Complaints about Councillors](#)' page provides details as to how you can do so and what information you should provide. ***Please note that the complaint must relate to a sitting***

Councillor's conduct and their role as a Councillor. This is not the correct process to use if you are unhappy with a Council decision (which would, at District level, be the Comments, Compliments and Complaints page. At Parish, Town and Community Council level, this would be their own local policy).

3.2 The information you should provide in the complaint is:

3.2.1 which Councillor you are complaining about and the name of the Council of which they are a member,

3.2.2 their alleged misconduct and the dates on which it is alleged to have taken place, and

3.2.3 how you consider their alleged misconduct breaches the relevant authority's Councillor Code of Conduct.

PLEASE NOTE that, while you may disapprove of the way you believe a Councillor has acted, there are a number of issues that would preclude further action, as set out at Appendix 1, as it will not be in the public interests to pursue some complaints that the Council cannot legally or should not deal with.

Complaints can't be made by eform:

[Making a complaint about a Councillor](#)

Or in writing to:

The Monitoring Officer, East Hertfordshire District Council, Wallfields, Pegs Lane, Hertford, SG13 8EQ

monitoring.ehcofficer@eastherts.gov.uk

3.3 The Monitoring Officer is a senior East Herts Council officer responsible for overseeing the administration of the Council's complaints handling arrangements against District and local Councillors. Under this Procedure, however, reference to the Monitoring Officer during the assessment or investigation is deemed to include a Deputy Monitoring Officer, including an external one who may undertake any of the steps set out in this process. Complaints may be referred to an external Deputy Monitoring Officer to consider if further action is warranted. Circumstances in which a referral to an external Deputy Monitoring Officer or Investigator might arise include when:

- 3.3.1 The complaint comes from a senior officer of the Council, such as the Chief Executive, Chief Finance Officer or the Monitoring Officer and it would be inappropriate for the Monitoring Officer or an internal Deputy to investigate, or
 - 3.3.2 The complaint is about a high-profile Councillor such as the Leader, or an Executive Member of East Herts Council and it would be inappropriate for the Monitoring Officer or an internal Deputy to investigate.
- 3.4 A complainant will need to provide their name and a contact address, preferably also with an e-mail address and telephone number, so that East Herts Council can acknowledge receipt of the complaint and keep a complainant informed of its progress. If requested, it may be possible to keep a complainant's name and locality confidential, although it is likely to hamper and, ultimately, prevent any effective assessment or investigation. It is also in the interests of transparency and fairness that a Councillor accused of misconduct generally has a right to know who has made the allegations. A complainant can ask for their name and contact details to remain confidential on the complaint form, along with an explanation for the request, for example where there is a real and credible risk of violence or intimidation against the complainant if their identity was disclosed.
- 3.5 Assessment of an anonymous complaint is only likely where the Monitoring Officer considers that this is likely to result in intimidation or violence. The Monitoring Officer will consider the request and, if granted, they will not provide the complainant's name and locality to the Councillor without the complainant's prior consent. Exceptions to this will be if this is referred to the Police, or if other regulatory bodies such as auditors or external fraud investigators, require the information. In these circumstances a request for confidentiality would be a matter for those bodies to consider.
- 3.6 East Herts Council does not normally consider/investigate complaints that are anonymous from the outset unless there is a clear public interest in doing so. In any event, East Herts Council's ability to do so would be severely limited, as it is impossible in such situations to request further information from a complainant or provide confirmation of any decision.
- 3.7 Appendix 1 includes the complaint and assessment criteria that the Monitoring Officer takes into account before deciding whether to consider the complaint further.

4. Who is the Independent Person?

- 4.1 The Independent Person is a statutory office holder appointed by East Herts Council. A description of their role is set out in Appendix 4.
- 4.2 The Procedural arrangements must include at least one appointed Independent Person. East Herts Council has an Independent Person whose views will be sought on all formal allegations (as part of the assessment of the complaint – before any investigation), as well as seeking their views at any other stage during an investigation or determination of a formal complaint.
- 4.3 East Herts Council may or may not, from time to time, have a Reserve Independent Person who can be contacted by a Councillor who is subject to a formal complaint for procedural advice, or who may be involved at other stages if the Independent Person is unable to participate. This will be set out in any formal letter to the complainant and Councillor confirming that a complaint has been received. An Independent Person or Reserved Independent Person cannot give advice on the Councillor's proposed response to the complaint, or act as the Councillor's advocate at any stage in the process.
- 4.4 References to the Independent Person in this document include the Independent Person and the Reserve Independent Person, unless otherwise stated.

5. How will my formal complaint be handled?

- 5.1 The complaint will first be acknowledged through the contact information provided by the complainant as described at 3.4 above.
- 5.2 The Monitoring Officer will review every complaint received and will consult the Independent Person. The following Stages will be applied:
- 5.2.1 **Local Resolution Referral:** If it is a complaint against a Parish, Town, or Community Councillor, then as per Appendix 1, confirmation will be sought from the complainant that they have first tried to resolve this issue at a local level. As a first step, the complainant will be referred to a local resolution unless this is

impractical or unreasonable for either party to do so. This does not prevent a formal complaint being progressed at a later date if the first step is unsuccessful, but it encourages a quicker localised resolution as, depending on the complexity, this formal process can take in excess of 6 months from receipt of a formal complaint to conclude.

5.2.2 **Initial Assessment Stage:** Where it relates to an East Herts Councillor (or a Parish, Town, or Community Councillor complaint which could not be resolved locally under 5.2.1 above) the tests under Appendix 1 will be considered and an initial assessment decision taken, which can be one of the following:

5.2.2.1 no further action,

5.2.2.2 informal action (including but not limited to mediation, training, apology),

5.2.2.3 further investigation (the **Investigation Stage**),

5.2.2.4 referral to the Standards Sub-Committee (the **Sub-Committee Stage**).

The Monitoring Officer does not have to take the steps in 5.2.2.1 to 5.2.2.4 in the order in which they are listed.

5.3 This initial assessment decision described at 5.2.2 above will be taken as quickly as possible but could take up to 3 months from receipt of the formal complaint and considered in accordance with the Assessment Criteria in Appendix 1.

5.4 Where the Monitoring Officer requires additional information before coming to a decision, they will request this information.

5.5 Once the complaint has moved to the **Initial Assessment Stage**, a copy of the complaint and any relevant documentation will be forwarded to the Councillor for consideration and comment. The Councillor will be given 14 days to respond unless there are reasons to extend this deadline, for example holidays, sick leave, a criminal or a whistleblowing investigation. The Councillor is expected to co-operate with the Monitoring Officer and not to attempt to interfere with, impede or obstruct any part of the process. They should also not seek to intimidate any person involved in this process.

Failure to co-operate can itself be a breach of the Code, in addition to the original complaint.

- 5.6 Where the complaint at the **Initial Assessment Stage** relates to a Parish, Town or Community Council, the Monitoring Officer may also seek the views of the relevant Clerk, in confidence, before coming to an initial assessment decision. Such views would again be expected within 14 days (unless there are reasons to extend the deadline on grounds such as those at 5.5 above).
- 5.7 If witnesses are identified by either the complainant or the Councillor subject to the complaint (or, where appropriate, the Clerk), the Monitoring Officer may, if they consider that useful information might be gleaned from doing so, contact them for comment as well. Such views would again be expected within 14 days (unless there are reasons to extend the deadline on grounds such as those at 5.5 above).
- 5.8 Once the Councillor's response (and Clerk and witness responses if any) has been received and/or the deadline for such comments has expired without a response being forthcoming, the Monitoring Officer will consult the Independent Person. This consultation may result in the request for further information from any relevant party, and further consultation will take place. Following this the Monitoring Officer will make one of the assessment decisions set out under 5.2.2. above.
- 5.9 When the Monitoring Officer has taken a decision, they will inform the complainant and the Councillor, and in cases involving a Parish, Town or Community Councillor, the Clerk or Chairman as may be appropriate, of that decision and the reasons for it. These will remain confidential.
- 5.10 Complainants should note that if the initial assessment decision is to move to the **Investigation Stage**, that it will require their co-operation during the investigation and, if necessary, any hearing which is likely to be held in public. The complainant would be required to attend such a hearing and provide their evidence and/or answer questions relating to the complaint.
- 5.11 Where the Monitoring Officer seeks to resolve the complaint informally, without the need for a formal investigation (as per 5.2.2.2) they will consult the Independent Person on such action. Informal resolution may involve the Councillor agreeing that their conduct was unacceptable and offering an apology, or other remedial action. Where the Councillor makes a reasonable offer of informal resolution, but the complainant is not willing to accept the offer, the Monitoring Officer will take account of this in deciding whether the complaint merits any further action. Equally, if a

Councillor refuses to engage with such an informal approach (for example by not apologising, or attending training), the Monitoring Officer may reconsider the decision and decide whether to move the complaint to the **Investigation Stage**, or directly to the Standards Sub-Committee for the original complaint (and failure to co-operate) to be determined.

- 5.12 If the complaint identifies potential criminal conduct or breach of other regulation, the Monitoring Officer is likely to refer it to the Police or other regulatory agencies. If the complaint relates to an alleged Disclosable Pecuniary Interest offence, it will be dealt with under an agreed Protocol with Hertfordshire Constabulary and the Police (and finally the Director of Public Prosecutions) will be the relevant body that determines whether further action should be taken on such a complaint. The Council cannot influence any decisions taken by the Police or other regulatory body, would have no role in their decision, and would not wish to prejudice such bodies' consideration or enquiries other than to co-operate with them.
- 5.13 Please note that where a complainant wishes to withdraw the complaint the Monitoring Officer is unlikely to take further action on the matter, with the exception of a referral to the Police/other regulatory body - where a withdrawal of a complaint would be for them to consider. If the complainant wishes to withdraw the complaint during the investigation, then this will be considered by the Monitoring Officer in consultation with the Independent Person as to whether the investigation will continue. The decision to terminate an investigation will, for example, depend on the nature of the allegations and the parties involved.
- 5.14 Similarly, if the Councillor subject to a complaint ceases to be a Councillor during this assessment or at a later stage of the Complaints Handling Procedure, the Monitoring Officer in consultation with the Independent Person may decide to terminate or suspend any further steps for up to 14 months from the date on which they cease to be a Councillor. This is because the Complaints Handling Procedure only applies to elected and co-opted Councillors. Further action may be taken on the complaint during that 14-month period if the Councillor is re-elected/co-opted back to the Council during that period. This decision will be taken by the Monitoring Officer in consultation with the Independent Person. If the Councillor is not re-elected/co-opted during that period, further action on the complaint will automatically cease.
- 5.15 If a Councillor has been subject to a finding of the Standards Sub-Committee and sanctions have been imposed under 9.1 below, or by Full Council and the Councillor has failed without reasonable excuse to comply

with a sanction, then the Monitoring Officer will refer this directly back to the Standards Sub-Committee ('direct referral') for determination.

- 5.16 There is no further right of internal review or appeal by a complainant following a decision at the **Initial Assessment Stage** not to investigate (unless new evidence is then submitted within a reasonable time and this will, in any event, be subject to the Assessment Criteria in Appendix 1). Brief and anonymised versions of the complaints and any outcomes are reported to the Standards Committee and Full Council.

6. How is the investigation conducted?

- 6.1 The Council has adopted a procedure for the investigation of conduct complaints, which is attached as Appendix 2 to these arrangements.

- 6.2 If the Monitoring Officer decides that a complaint merits investigation and moves it into the **Investigation Stage**, they may investigate the matter themselves or appoint an Investigating Officer. The Investigating Officer may be;

6.2.1 the Deputy Monitoring Officer,

6.2.2 another senior East Herts Council officer,

6.2.3 an officer of another authority, or

6.2.4 an external investigator

This Officer's role is to conduct an objective investigation on the merits of the complaint and whether there appears to be a case to answer, this will be presented to the Standards Sub-Committee. The Officer is not there to represent the complainant or the Councillor and there is no difference in the status of the report prepared by an Investigating Officer and that of the Monitoring Officer.

- 6.3 Any investigation should be completed within 4 months, and parties must co-operate to ensure that this deadline can be met (unless there are extenuating circumstances to justify extending this). Any failure to co-operate by the Councillor complained of, or an attempt to interfere with, impede or obstruct any part of the process, or intimidate any person involved in the process, may be considered a separate potential breach of the Code of Conduct, notwithstanding the original complaint. Equally,

should a complainant attempt to interfere with, impede or obstruct any part of the process, or intimidate any person involved in the process, the Monitoring Officer reserves the right to terminate the investigation. Any such decision will be taken in consultation with the Independent Person.

- 6.4 The Monitoring Officer/Investigating Officer will decide whether they need to interview a complainant to understand the nature of the complaint, any events surrounding it and consider what documents need to be seen. They will also consider if any other party needs to be interviewed as part of the investigation. Such interviews may be by remote means or in person and are likely to be recorded. Those recorded interviews will likely be used/produced as part of the evidence, together with any other relevant evidence that has been produced.
- 6.5 If any witness(es) to the alleged breaches of the Code have been identified, the Monitoring Officer/Investigating Officer will decide whether to interview those witnesses. Again, these interview arrangements may be by remote means or in person and will be recorded/used as part of witness evidence. This is to prevent disagreements as to what has or has not been said at interview. Any witness(es) must be identified by the complainant at this stage of the Procedure, late witnesses will generally not be accepted after the investigation has been concluded.
- 6.6 The Monitoring Officer/Investigating Officer will provide the Councillor with a copy of the complaint and ask the Councillor to provide their explanation of events, and to identify what documents they need to see and the name(s) of any witnesses they believe should be interviewed. The Councillor and any of their witnesses are likely to be interviewed on the same basis as under 6.4. Any witnesses must be identified at this stage of the Procedure as late witnesses will generally not be accepted after the investigation has been concluded. The Councillor is expected to co-operate with any investigation.
- 6.7 At the end of their investigation, the Monitoring Officer/Investigating Officer will produce a draft report ("the Investigation Report") and will send copies of that draft report, in confidence, to the complainant, the Councillor concerned and to the Monitoring Officer where they were not the investigating officer, so that there is an opportunity to identify any inaccuracies, areas of dispute or which the parties believe require more consideration. The Independent Person will also see a copy of the report for comment. Relevant parties will be given 21 days to respond. The complainant/Councillor will be expected to raise any issues with the draft report at this stage.

- 6.8 Parties are encouraged to acknowledge or accept any findings at the draft report stage so that the issues can be narrowed to those that remain in dispute. It is possible that parties will disagree with the findings/reasons on whether there is a case to answer in the report. Comments and issues will be considered by the Monitoring Officer or Investigating Officer; errors will be corrected however this does not mean the report findings will be changed. A summary of these comments from the complainant/Councillor are likely to be included in the final report.
- 6.9 Having received and considered any comments made on the draft Investigation Report, it will then be finalised. Where an Investigating Officer has been appointed, the Investigating Officer will send their final report (again in confidence) to the complainant, the Councillor, the Monitoring Officer and the Independent Person. Note that this report will remain confidential until the Monitoring Officer determines otherwise or, in any hearing, the Standards Sub-Committee determines that this matter shall be heard in public.
- 6.10 Where an Investigating Officer has been appointed, and if the Monitoring Officer and Independent Person are not satisfied that the investigation has covered the issues sufficiently, the Monitoring Officer may ask the Investigating Officer to reconsider their draft report. The Monitoring Officer, in consultation with the Independent Person, will review any revised report and may decide that there remains no case to answer or further action is required, as set out below.

7. What happens if the Monitoring Officer or Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

- 7.1 Where an Investigating Officer has been appointed by the Monitoring Officer to conduct an investigation, the Monitoring Officer will review the Investigating Officer's report in consultation with the Independent Person. If the Monitoring Officer is satisfied that the Investigating Officer's report is sufficient and there is no apparent case to answer of a failure to comply with the Code, the Monitoring Officer will write to the parties (and to the Clerk and/or Chairman, if the complaint relates to a Parish, Town or Community Councillor) to notify them that they are satisfied that no further action is required. The report shall remain confidential and other than those parties who have received a copy, it shall not be disclosed further. An anonymised summary of the complaint and outcome will, however, be reported through to Standards Committee and Full Council during the year.

8. What happens if the Monitoring Officer or Investigating Officer concludes in the report that there is evidence of a failure to comply with the Code of Conduct?

- 8.1 If the Monitoring Officer is satisfied that the Investigating Officer's report is sufficient and there is an apparent case to answer of a failure to comply with the Code, the Monitoring Officer will write to the parties (and to the Clerk and/or Chairman, if the complaint relates to a Parish, Town or Community Councillor), to notify them that the matter will proceed to the **Sub-Committee Stage** and a hearing before the Standards Sub-Committee or, in consultation with the Independent Person, that the scope for an Alternative Remedy will be considered.

Alternative Remedy

- 8.2 The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, they will consult both the Independent Person and the complainant and seek to agree a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the Councillor acknowledging that their conduct was 'unacceptable and offering an apology, either publicly or privately as may be appropriate in the circumstances, and/or other remedial action (such as training or mediation). If the Councillor complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee (and the Parish, Town or Community Council) for information but will take no further action. If the Councillor fails to abide by the Alternative Remedy, the Monitoring Office may re-open the issue and refer the case to the Standards Sub-Committee for a hearing to determine whether there has been a breach of the Code of Conduct.

Hearing

- 8.3 The Councillor will be expected to attend unless there is a reasonable excuse for not doing so – as notified to the Monitoring Officer in advance of any hearing.
- 8.4 Normal Committee rules apply as to whether the Sub-Committee meets in public or private with the presumption that any hearings will be in public at the East Herts Council offices.

- 8.5 In all but straightforward cases there will be a preliminary administrative hearing of the Standards Sub-Committee to manage the preparation and arrangements for the hearing called a Case Management Hearing ("CMH"), followed by a Final Determination Hearing ("FDH"). The Membership of those hearings may or may not be the same.

CMH

- 8.6 The CMH will deal with administrative issues, such as fixing a date for the final hearing/length of the hearing/final evidence or representations that may be presented at the FDH.
- 8.7 This CMH should be arranged between 35 – 42 calendar days after the report has been sent to the parties, and both the Councillor in question and the complainant may be invited to attend.
- 8.8 As part of the investigation, the Councillor will have been asked and should have informed the Investigating Officer of any witnesses they wish to rely on and evidence obtained as part of the Investigation. However, if this has not taken place, the Councillor will be required to confirm 14 days prior to the CMH:
- 8.8.1 the areas of the Investigation Report the Councillor disputes (and the factual reasons for doing so), including evidence from current witnesses that are relevant to the matter of dispute; and
 - 8.8.2 whether they will be represented at the final hearing (and details of that representative).
- 8.9 If the Councillor fails to confirm the above information by a date specified prior to the CMH, or fails to attend the hearing without reasonable explanation, then this may be considered a further potential breach of the Code of Conduct for failure to co-operate. In the event that the Councillor fails, with or without excuse, to attend the CMH, then it may take place in their absence. Where the Councillor attends, they may be represented or accompanied during the hearing by a solicitor, counsel or, with the permission of the Sub-Committee, another person as agreed with the Monitoring Officer.
- 8.10 Members of the Sub-Committee, the Independent Person, Investigating Officer, Monitoring Officer and/or Legal Adviser may ask questions of the Councillor and of the complainant.

- 8.11 The Sub-Committee may take legal advice from its Legal Adviser or seek the opinion of the Independent Person at any time during the CMH and may retire to deliberate in private before it comes to a decision. The Legal Adviser will retire with Members of the Sub-Committee and the substance of any legal advice provided during this time will be shared with the Councillor and the Investigating Officer if they are present when the Members return to the hearing. The Independent Person will not retire with the Sub-Committee. If the Sub-Committee requires the opinion of the Independent Person on CMH matters, this should be requested prior to retiring to consider the decision or in any event before the decision is taken.
- 8.12 Other than in exceptional circumstances, the date of the FDH must be fixed at the CMH, within 35-42 calendar days of the CMH.

FDH

- 8.13 The agreed a procedure for the FDH is attached as Appendix 3.
- 8.14 At the FDH, the Monitoring Officer or Investigating Officer (or nominated representative) will present their report, call such witnesses as they consider necessary and make representations to substantiate their conclusion that there is a case to answer that the Councillor has failed to comply with the Code of Conduct. The Standards Sub-Committee may set out a timetable for the hearing.
- 8.15 At the FDH, the Councillor will not be able to challenge evidence from a witness that is contained/reflected in the Investigation Report, unless the Councillor has indicated, by the specified date prior to the CMH, that a particular witness' evidence is disputed and why. Subject to that indication, the Monitoring Officer/Investigating Officer will be expected to request the attendance of that witness at the hearing. If the Councillor has not indicated by a specified date that a witness' evidence is disputed, the Monitoring Officer is unlikely to request that witness' attendance at the FDH.
- 8.16 The complainant should be prepared to attend and give evidence to the Sub-Committee. The Councillor will have an opportunity to ask any relevant questions of the Investigating Officer or witnesses produced at the hearing through the Chairman, give their evidence, call witnesses and to make representations to the Sub-Committee as to why they consider they have not failed to comply with the Code of Conduct.

- 8.17 Members of the Sub-Committee, Independent Person, Investigating Officer, Monitoring Officer and/or Legal Adviser may ask questions of any of the witnesses' present (including the Councillor and complainant). The Chairman of the Sub-Committee may halt any questions they believe to be irrelevant, repetitive or haranguing in nature.
- 8.18 The Sub-Committee may take legal advice from its Legal Adviser at any time during the FDH and may retire to deliberate in private before it comes to its decision. The Legal Adviser will retire with the Members of the Sub-Committee and the substance of any legal advice given in private session will be confirmed when the meeting reconvenes in public session. The Independent Person will not retire with the Sub-Committee. The Sub-Committee should request the views of the Independent Person prior to retiring to consider the decision or in any event before the decision is taken, on whether there has been a breach of the Code of Conduct. *Please note that in accordance with section 28(7) of the Localism Act 2011 the views of the Independent Person are to be sought and taken into account by the Sub-Committee before it makes its decision on an allegation that it has decided to investigate.*
- 8.19 The Sub-Committee, with the benefit of any views from the Independent Person, may conclude that,
- 8.19.1 the Councillor did not fail to comply with the Code of Conduct and dismiss the complaint. In these circumstances, the case is at an end, or
 - 8.19.2 the Councillor did fail to comply with the Code of Conduct. In these circumstances the Chair will inform the Councillor of this finding and of the reasons for it.
- 8.20 Where the Sub-Committee concludes the Councillor did fail to comply with the Code of Conduct under 8.19.2 above, the Sub-Committee will then consider what action, if any, it should take as a result of the Councillor's failure to comply with the Code of Conduct. In doing this, the Sub-Committee will give the Councillor an opportunity to make representations to it and will seek the view of the Independent Person on any sanction, but will itself decide what action, if any, to take in respect of the matter. The Sub-Committee may retire in private session to deliberate on what, if any, sanctions will be applied. The Legal Adviser will retire with the Members of the Sub-Committee and the substance of any legal advice given to the Members in private session will be confirmed when the meeting

reconvenes in public session. The Independent Person will not retire with the Sub-Committee.

9. What action can the Standards Sub-Committee take where a Councillor has failed to comply with the Code of Conduct?

9.1 The Council has delegated (via the Constitution) to the Sub-Committee such of its powers to take action in respect of individual Councillors as may be necessary to promote and maintain high standards of conduct. The Sub-Committee will impose sanctions (or a combination of sanctions) commensurate with the nature and gravity of the breach of the Code of Conduct and confirm their reasons for doing so. Accordingly, the sanctions available to the Sub-Committee are to:

- 9.1.1 Publish its findings in respect of the Councillor's conduct e.g. in a local newspaper, in print or on-line or both. Any decision will be published on the Council's website in any event,
- 9.1.2 Report its findings to Council (or the Parish, Town or Community Council) for information,
- 9.1.3 Report its findings and recommend to Council (or the Parish, Town or Community Council) that the Councillor be issued with a formal censure or be reprimanded,
- 9.1.4 Recommend to the Councillor's Group Leader (or in the case of ungrouped Councillors, recommend to Council or to Committees) that the Councillor be removed from any or all Committees or Sub-Committees of the Council,
- 9.1.5 Recommend to the Leader of the Council that the Councillor be removed from the Executive, or removed from particular Executive Member responsibilities,
- 9.1.6 Instruct the Monitoring Officer to arrange (or recommend that the Parish, Town or Community Council should arrange) relevant training for the Councillor,
- 9.1.7 Recommend to Council (or the Parish, Town or Community Council) that the Councillor be removed from all outside appointments to which they have been appointed or nominated by the authority,

9.1.8 Recommend to Council (or the Parish, Town or Community Council) that it withdraws facilities provided to the Councillor by the Council, such as a computer, website and/or e-mail,

9.1.9 Recommend to Council (or the Parish, Town or Community Council) that the Councillor be excluded from the Council's Offices or other premises, with the exception of meeting rooms (real or virtual) as necessary for attending Council, Committee and Sub-Committee meetings; or

9.1.10 Take no further action.

9.2 The Sub-Committee has no power to suspend or disqualify the Councillor or to withdraw the Councillors' basic or special responsibility allowances or any other payment made to the Councillor that they are entitled to under legislation.

What happens at the end of the hearing?

9.3 At the end of the hearing, the Chair will state the decision of the Standards Sub-Committee with a summary of the reasons as to whether or not the Councillor failed to comply with the Code of Conduct and, if the Councillor did fail to comply, any actions which the Sub-Committee resolves to take.

9.4 As soon as reasonably practicable thereafter (and in any event within 7 working days), a formal decision notice will be prepared by the Legal Adviser in consultation with the Sub-Committee, and sent to the complainant, the Councillor (and to the Parish/Town Clerk and/or Chairman as may be appropriate) by the Monitoring Officer and make that decision notice available for public inspection and available on the Council's website.

9.5 There is no further right of internal review or appeal by either the Councillor or complainant following the determination hearing. Either party may seek independent advice and apply for Judicial Review of the decision or may consider making a complaint to the Local Government and Social Care Ombudsman (LGO), although there is limited remit for the LGO to consider complaints and cannot revisit any decision taken.

10. Revision of these arrangements

- 10.1 The full Standards Committee may amend these arrangements and has delegated to a Chairman of the Sub-Committee the right to depart from these arrangements where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter. Minor amendments may be made by the Monitoring Officer in consultation with the Independent Person, Chair and Vice Chair of the Standards Committee under delegated authority.

APPENDIX 1
STANDARDS COMPLAINTS ASSESSMENT CRITERIA

Complaints which would not normally be initially assessed or referred for investigation:

1. The complaint appears to be minor, trivial or otherwise not sufficiently serious; and/or
2. The complaint appears to be vexatious, malicious, retaliatory or politically motivated; and/or
3. It appears that there can be no breach of the Code of Conduct, for example, the Councillor was not acting in their capacity as a Councillor at the time of the alleged incident, it relates to the Councillor's private life or is about dissatisfaction with a Council decision; and/or
4. It is about someone who is no longer a Councillor; and/or
5. There is insufficient information available nor is it forthcoming upon request; and/or
6. The complaint has not been received within 3 months of the alleged conduct, unless there are exceptional circumstances e.g. allegation of bullying, harassment etc. and/or
7. The matter occurred so long ago that it would be difficult to conduct a fair investigation; or
8. The complaint appears the same or similar to one that has already been considered; and/or
9. It is an anonymous complaint, unless it includes sufficient documentary evidence to show a significant breach of the Code of Conduct; and/or
10. The Member complained of has already apologised and/or admitted making an error and the matter would not warrant a more serious sanction if considered further; and/or
11. Where it relates to a Parish, Town or Community Council, the complaint hasn't first been attempted to be resolved at a local level.

APPENDIX 2

Investigation Procedure – Information / instructions for an Investigating Officer

On receipt of instructions to carry out an investigation from the MO, ensure sufficient detail is received to commence an investigation.



Identify:

- Whether further information from the complainant is required.
- What paragraphs of the code are alleged to have been breached.
- The facts which need to be determined to establish if the Member may have a case to answer in respect of potential breaches of the code.
- The evidence you need to determine the issues.
- How you plan to gather the evidence.
- How long it is likely to take to undertake and produce the final report of the investigation (the aim being 4 months).



- Contact complainant & request any supporting or further documentary evidence relating to the complaint.
- Contact subject Member with details of the complaint & seek explanation.



- Interview relevant parties, including Member and complainant.
- Identify witnesses and arrange interview(s).
- Request any further documentary evidence.



Produce draft and then final report and submit to complainant, Councillor and MO for consideration. Report to contain:

- Councillor's official detail (election/ co-option/ Committee/ Cabinet & training details).
- The complaint made.
- Relevant Code, protocols, guidance and legislation.
- Evidence gathered.
- Any relevant complaint background.
- The evidence as applied to the alleged breaches and a conclusion on whether there appears to be a case to answer on those allegations. This to include any agreed facts/ disputed facts. Any Code of Conduct Guidance should be taken into account when reaching a conclusion.



MO, in consultation with the IP, either accepts the report or, if it has not sufficiently covered the issues, asks that the report be reconsidered. If it's apparent there may be a case to answer, then consider alternative remedy/refer to Standards Sub-Committee.

APPENDIX 3
THE FINAL DETERMINATION HEARING (FDH) PROCEDURE FOR THE
STANDARDS SUB-COMMITTEE

The Standards Sub-Committee (“the Sub-Committee”) must have an efficient and effective hearing process. This will assist Members of the Sub-Committee to deal with all the issues that need to be resolved in a way that is fair to the Councillor subject to the allegation, any complainant and witnesses involved. This procedure sets out a consistent approach for all concerned.

1. Interpretation

“Complainant”:	means the person who referred the allegation to Monitoring Officer.
“CMH”:	means the Sub-Committee Case Management Hearing that deals with administrative and procedural matters and clarifies the issues for the Final Determination Hearing (FDH).
“FDH”:	means Sub-Committee Final Determining Hearing that hears evidence, decides if a Councillor has breached the Code of Conduct and, if so, the sanction to be imposed.
“Investigating Officer”:	means the Monitoring Officer, Deputy or Investigating Officer or their nominated representative(s).
“Independent Person/ IP”:	means Independent Person and Reserve Independent Persons appointed by the Council under the Localism Act 2011, whose views must be sought by the authority before it takes a decision on an allegation which it has decided to investigate under section 28(7) of the Localism Act 2011, and whose views can be sought by the authority at any other stage, or by a Councillor (or a Councillor or co-opted Councillor of a Town, Parish or Community Council) against whom an allegation has been made.
“Legal Adviser”:	means the officer responsible for providing legal advice to the Sub-Committee. This may be the Monitoring Officer, another legally qualified officer of the authority, or

	<p>someone appointed for this purpose from outside the authority.</p> <p>“Councillor”: means the Councillor, co-opted Councillor of East Hertfordshire District Council or a Town or Parish Councillor (within the East Herts area) who is the subject of the complaint.</p> <p>“Proper Officer”: means the designated Democratic Services officer or nominated representative.</p>
2. Representation	
2.1.	The Councillor may be represented or accompanied during the hearing by a solicitor, counsel or, with the permission of the Sub-Committee, another person. Such person to have been notified to the Standards Sub-Committee, and agreed where applicable, at the CMH.
2.2.	Where a representative has been appointed, reference below to Councillor will (except in respect of any evidence from the Councillor concerned) mean the representative.
2.3	Where a representative is present the Councillor must indicate if the representative is to ask questions on the Councillor’s behalf and make any submissions. Once such arrangements have been confirmed, they will be applied throughout the hearing.
3. Legal Advice	
3.1.	The Sub-Committee may take legal advice from its Legal Adviser at any time during the hearing or while they are considering the final decision on the potential breach(es) of the Code and any sanctions.
3.2.	The Legal Adviser will provide a summary of any legal advice given to the Members of the Sub-Committee in private session, when the meeting reconvenes in public session.
4. Voting	
4.1	Each Member of the Sub-Committee will have one vote, and all matters/issues will be decided by a simple majority of votes cast.

4.2	Abstentions will not be permitted. The Sub-Committee's decision will record whether it was unanimous or taken by a majority.
5.	Quorum
5.1.	The Proper Officer or their representative will confirm whether the Committee is quorate. A quorum for the Sub-Committee will be three elected Members of the Standards Committee.
5.2.	Where the complaint involves an allegation of misconduct against a Parish Councillor, then a non-voting Parish Member of the Standards Committee should also be present, albeit they shall remain non-voting.
5.3.	The Sub-Committee must nominate a Chairman for the meeting.
5.4.	The Independent Person must be present throughout the Sub-Committee hearing.
6.	Opening/ Setting the Scene and Preliminary Procedural Issues
6.1.	The Members of the Sub-Committee shall determine whether the hearing will be considered in private session, and shall, where possible, receive representations on this from the parties involved.
6.2.	The Chairman must explain the procedure for the hearing and remind all parties to turn off mobile phones, audible alarms, and similar devices etc. If the proceedings are in open session, they will be recorded.
6.3.	The Chairman must ask all present to introduce themselves.
6.4.	The Sub-Committee may, however, resolve any issues (including failure to abide by resolutions from the CMH and absence of parties/ witnesses and whether to proceed).
7.	The presentation of the Complaint and evidence of the case to answer on alleged breach of the Code of Conduct
7.1.	The Investigating Officer will be invited to present the report including any evidence or other material and make any representations to support the relevant conclusions on a case to answer from the report. This will be based on the complaint made to the Council and any alleged failure to co-operate with the investigation or hearing preparation (where relevant). Witnesses will be called to give evidence or have their

<p>witnesses evidence taken as accepted, where the Councillor has indicated that the witness evidence is not disputed.</p> <p>7.2. The Councillor against whom the complaint has been made (or their representative) may question the Investigating Officer on the content of the report and question any witnesses called by the Investigating Officer¹. This is the Councillor's opportunity to ask questions arising from the report and not to make a statement.</p> <p>7.3. Members of the Sub-Committee, the Independent Person and the Legal Adviser may question the Investigating Officer about the content of the report and/or any witnesses (including the complainant) called by the Investigating Officer.</p>
<p>8. The Councillor's case</p>
<p>8.1. The Councillor will then be given the opportunity to present their case (and call any relevant witnesses) including any evidence or other material and make any representations to address the specific allegations before the Sub-Committee.</p> <p>8.2. The Investigating Officer may question the Councillor and/or any witnesses.</p> <p>8.3. Members of the Sub-Committee, the Independent Person and the Legal Adviser may question the Councillor and/or any of the Councillor's witnesses.</p>
<p>9. Summing Up</p>
<p>9.1. The Investigating Officer will be given the opportunity to sum up the complaint and any relevant representations on the case to answer.</p> <p>9.2. The Councillor, or their representative, will be given the opportunity to sum up their case.</p>
<p>10. Consultation with the Independent Person</p>

¹ NOTE If the Member disputes any relevant fact in the Investigating Officer's report, without having given prior notice of the dispute they will be required to give good reasons for not mentioning it when the draft report was finalised or in any event at the CMH. Such behaviour is likely to affect the weight of the Member's evidence on that issue and/ or be treated as evidence of failure to co-operate with an investigation.

<p>10.1. Prior to the consultation, the Independent Person may seek a short adjournment of the hearing to prepare/ finalise their view on whether, in their view, a breach of the Code of Conduct has occurred.</p> <p>10.2. The hearing will then be reconvened, and Members of the Sub-Committee must consult the Independent Person on whether in his/ her opinion a breach has occurred. This view must be taken into account by the Sub-Committee before it makes its decision on an allegation.</p>
<p>11. The Members of Sub-Committee</p>
<p>11.1 Members of the Sub-Committee will deliberate in private session to consider the evidence presented and to reach their decision.</p> <p>11.2 During deliberations, the Legal Adviser will attend to provide any advice needed.</p> <p>11.3 Where the Sub-Committee are minded to decide there has been a breach of the Code of Conduct, they must also consider whether it should make any recommendations to the Council or, in relation to a Parish, Town or Community Councillor, to the Parish, Town or Community Council, with a view to promoting high standards of conduct among its Councillors.</p>
<p>12. Decision</p>
<p>12.1. Upon the Sub-Committee's return the Chairman will announce the Sub-Committee's decision in the following terms:</p> <p style="padding-left: 40px;">12.1.1. The Sub-Committee decides that there is no breach of the Code of Conduct; or</p> <p style="padding-left: 40px;">12.1.2. The Sub-Committee decides that there is a breach of the Code of Conduct.</p> <p>12.2 The Sub-Committee will give reasons for its decision.</p> <p>12.3 If the Sub-Committee decides that there is no breach of the Code of Conduct the Chairman closes the hearing. The case is at an end.</p> <p>12.4 If the Sub-Committee decides that the Councillor has breached the Code of Conduct, it will consider any representations from the Investigating</p>

Officer and/or the Councillor and will seek the views of the Independent Person as to:

12.4.1 Whether any action should be taken; and

12.4.2 If so, what form any action (in the form of a sanction) should take.

12.5 As part of their role under 12.4.2, the Sub-Committee will consider whether to impose any of the following sanctions:

12.5.1 Publish its findings in respect of the Councillor's conduct (e.g. in a local newspaper in print or on-line or both). [Note that any decision will normally be made available for inspection and published on the Council's website in the event that the hearing was held in public],

12.5.2 Report its findings to Council (or the Parish/ Town/ Community Council) for information,

12.5.3 Report its findings and recommend to Council (or the Parish, Town or Community Council) that the Councillor be issued with a formal censure or be reprimanded,

12.5.4 Recommend to the Councillor's Group Leader (or in the case of un-grouped Councillors, recommend to Council or to Committees) that the Councillor be removed from any or all Committees or Sub-Committees of the Council,

12.5.5 Recommend to the Leader of the Council that the Councillor be removed from the Cabinet, or removed from particular Executive Member responsibilities,

12.5.6 Instruct the Monitoring Officer to arrange (or recommend that the Parish, Town or Community Council should arrange) training for the Councillor,

12.5.7 Recommend to Council (or the Parish, Town or Community Council) that the Councillor be removed from all outside

appointments to which they have been appointed or nominated by the authority,

12.5.8 Recommend to Council (or the Parish, Town or Community Council) that it withdraws facilities provided to the Councillor by the Council, such as a computer, website and/or e-mail,

12.5.9 Recommend to Council (or the Parish, Town or Community Council) that the Councillor be excluded from the Council's Offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings, or

12.5.10 Take no further action.

12.6 The Sub-Committee has no power to suspend or disqualify the Councillor or to withdraw Councillor's basic or special responsibility allowances or any other payment made to the Councillor that they are entitled to under legislation.

12.7 If the Sub-Committee feels that, as a result of the representations made to it under 12.4 above, it needs to retire to further consider what, if any, sanction to impose, then it will so retire (the Legal Adviser will attend).

12.8 The Chairman will confirm that a full written decision will be issued within 7 working days following the hearing and that the Sub-Committee's minutes will be published. The hearing will then be closed.

APPENDIX 4
ROLE OF INDEPENDENT PERSON AND RESERVE INDEPENDENT PERSONS –
EAST HERTFORDSHIRE DISTRICT COUNCIL

ROLE DESCRIPTION

Appointed by: The Council

Liaison with: Monitoring Officer, Deputy Monitoring Officer, Members of the Standards Committee, officers, District Councillors, and Town, Parish and Community Councillors within the district, key stakeholders within the community.

Reference to the IP includes the Independent Person and Reserve Independent Persons (except number 8 which is just the Reserve IP, where the Council has one from time to time). The role is:

1. To assist the Council in promoting high standards of conduct by elected and co-opted Councillors of East Hertfordshire District Council and Parish, Town or Community Councillors and in particular to uphold the Code of Conduct adopted by the Council and underpinned by the seven principles of public life, namely selflessness, honesty, integrity, objectivity, accountability, openness and leadership.
2. To assist the Council by acting as advocate and ambassador in promoting ethical behaviour and by developing a sound understanding of the ethical framework as it operates within East Hertfordshire District Council and its local councils.
3. To be available for ad hoc consultation by the Monitoring Officer where the Monitoring Officer is dealing with a matter that has not reached the stage of a formal complaint.
4. To be available for consultations on assessment of a complaint with the Monitoring Officer.
5. To be available for consultation by the Monitoring Officer and/or the Standards Committee before a decision is taken as to whether to investigate a complaint or to seek local resolution of the same.

6. To be consulted by the Council through the Monitoring Officer and/or the Standards Committee before it makes a decision on an allegation that has been investigated and to be available to attend meetings of the Standards Committee in a non-voting advisory capacity.
7. To attend a CMH meeting of the Standards Sub- Committee and an FDH meeting to confirm the IP's views as to whether a breach of the Code of Conduct has occurred and any subsequent penalty (which will be taken into account).
8. To be available for consultation by any Councillor, including Parish, Town or Community Councillor. This may be on an ad hoc basis for views on the Complaints Procedure or process as pre-arranged between the parties, either by telephone, online or at the Council's offices. It is not the role of the IP to act as advocate for the Councillor who is subject to the complaint, to negotiate complaint matters, or to provide substantive advice (legal or otherwise) on the allegations themselves. This will generally be confidential between the Councillor and IP, unless the Councillor confirms they have acted illegally or has a complaint about the Procedure. This will then be confirmed to the Monitoring Officer.
9. To participate in training events to develop skills, knowledge, and experience and in any networks developed for Independent Persons operating outside the District Council's area. To share information and promote debate and discussion amongst the Standards Committee following such training. To attend training events organised and promoted by the Council's Standards Committee and Monitoring Officer.