



Public Document Pack Standards Agenda

Thursday 14 September 2023 at 7.30 pm

Conference Room 1 - The Forum

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Membership

Councillor Freedman
Councillor Anderson
Councillor Elliot

Councillor Gale (Chair)
Councillor McArevey (Vice-Chairman)

Substitute Members:
Councillors

Co-Opted Representatives of the Parish and Town Councils:

Susan Jordan

Independent Co-opted Representative

Mike Browne
Susan Johnson

Mark Brookes – Solicitor to the Council and Monitoring Officer

For further information, please contact Kayley Johnston – Ext: 2226

AGENDA

1. MINUTES

To confirm the minutes from the previous meeting

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence

3. STANDARDS COMMITTEE TRAINING (Pages 3 - 52)

4. FORWARD PLAN

The next meeting will be held on Thursday 7th December 2023



Report for:	Standards Committee
Date of meeting:	14th September 2023
PART:	Part I
If Part II, reason:	

Title of report:	TRAINING FOR MEMBERS OF THE STANDARDS COMMITTEE
Contact:	Mark Brookes – Assistant Director (Legal and Democratic Services) and Monitoring Officer Directline: 01442 228236, internal extension: 2236 Mark.brookes@dacorum.gov.uk
Purpose of report:	To advise Members of the details of a training session for Members of the Standards Committee to be held at the meeting on 14 th September 2023.
Recommendation	That Members be requested to read the attached documents in readiness for the training session to be facilitated by the Monitoring Officer.
Corporate objectives:	The promotion and maintenance of high standards of conduct by Members of the Council will assist the Council in achieving all of its corporate priorities.
Implications: 'Value For Money Implications'	There are financial and efficiency costs to the Council in having to deal with complaints made under the Code of Conduct. There are, therefore, value for money benefits to the Council in striving to ensure that complaints against Members are minimised as far as possible and any complaints that are received are dealt with as cost effectively as possible.
Risk Implications	The risk to the Council in not having in place a robust local standards regime could damage its reputation for good governance and undermine public confidence in the Council as a whole.
Monitoring Officer	This is a report prepared by the Assistant Director, Legal and Democratic Services in his capacity as Monitoring

	Officer.
Consultees:	None
Background papers:	Code of Conduct

BACKGROUND REPORT

1. There are no standards complaints to be formally considered at this meeting and it is therefore proposed to use the opportunity to hold a training session for Members of the Committee which will be facilitated by the Monitoring Officer.
2. The training session will be based around a fictitious complaint made against a member of Hemel Hempstead Borough Council. Members will be asked to consider how they should approach conducting a hearing into the complaint. It would assist if Members could read the attached documents before the meeting so that they are familiar with the details of the complaint. Adelle Stapleton, Deputy Monitoring Officer, will also be attending to present the investigation report and to be available to be questioned by Members.
3. The documents attached are as follows –
 - A copy of the Letter of Complaint
 - Complaint Summary
 - A copy of the Investigation Report which contains a summary of the allegation and the Investigating Officers findings.
 - A copy of the Council's procedure for dealing with complaints.
 - A copy of the Council's Code of Conduct for Councillors
4. The session will be led by the Monitoring Officer and largely take the form of an informal discussion as to what are the key questions which emerge both from the complaint and what is said at the hearing itself as it progresses and how these should be addressed by the Members. It may be that other facts come to light during the session and Members will be asked to consider how they would respond to these new issues.
5. Members will be asked, in consultation with the Independent Person, to arrive at a decision as to whether or not Councillor Barlow has failed to follow the Code of Conduct and, if so, the reasons for their decision. If the Members decide that Councillor Barlow has not followed the Code of Conduct they will, in consultation with the Independent Person, be

asked to consider what action, if any, should be taken against Councillor Barlow. Paragraph 8 of the complaints procedure sets out the range of actions available to the Standards Committee.

APPENDIX ONE

THE COMPLAINT LETTER

**TO: The Monitoring Officer
 Dacorum Borough Council**

1st August 2023

Dear Sir

COMPLAINT AGAINST COUNCILLOR BARLOW, DACORUM BOROUGH COUNCIL

I write to make a formal complaint in respect of the gross disrespect and sheer rudeness which Councillor Barlow regularly exhibits to the planning officers of this Council.

Councillor Barlow was first elected to the Council at a bye-election in June 2019 and I come across him regularly in his capacity as a member of the Council's Development Management Committee (DMC).

There is a bit of a history to this in that, before he was elected, Cllr Barlow was a major supporter and active campaigner for a scheme for the relocation of Hemel Hempstead Football Club to a new stadium to be built on a green field site in the Green Belt on the outskirts of the town. DMC opposed that scheme on the grounds that there was no justification for this development in the Green Belt.

Cllr Barlow was then, and still is, a prominent supporter of Hemel Hempstead Football Club and of the relocation proposals. Although he was not the applicant, he made very considerable demands for information in respect of the planning case officer's grounds for objection to the proposal, which the Planning Department were not always able to meet to his satisfaction. He also led a campaign for a petition in favour of the proposal, during the course of which he made very public and disparaging statements about the Council and particularly about the Council's Planning Department and its officers. When the planning application went to appeal, following its refusal by the DMC, he repeated these comments at the public inquiry held in relation to the appeal and suggested that the DMC's opposition was based on the Planning Department being "anti-football" and not wanting to see the local football club grow in size.

In the run up to the June 2019 bye-election, Cllr Barlow based his campaign substantially on his frequently expressed views that the Council's Planning Department was responsible for preventing the town from getting a decent football club, and he stated on a phone-in programme on local radio that the Planning Department was "a load of dead wood nimbies" who were holding the town back and would need to be cleared out once he was elected as a Councillor."

Since his election Cllr Barlow has made no secret of his feelings about the Planning Department. I have had a couple of dealings with him on planning applications within his ward and found his manner rude and disdainful towards me and I know that the Head of Planning has received complaints from other staff in the Planning Department, but the DMC meeting on 28 July 2023 was the first time I had had any public dealings with him since his election.

I attended the DMC meeting in July to present a report on behalf of the Head of Planning who was unable to attend in respect of reserved matters relating to the mixed private and affordable residential development scheme at the former Civic Centre site at the northern end of Marlowes. As you know Homes 'R' Us bought the site from the Council and are now keen to build out the residential scheme. DMC had previously approved a design brief for the Civic Centre site redevelopment which made it clear that the Council would require any residential development to be of a high quality in terms of design and materials which complemented its town centre location and its close proximity to the Old Town. The designs which Homes 'R' Us have submitted are reminiscent of the brutalist architecture of the 1960s and are no more than several oversized grey concrete blocks which do nothing to enhance the appearance and character of the town centre.

At the DMC meeting in July I introduced the Head of Planning's report on the scheme, expressing regret that the applicant had not taken up the advice set out in the design brief for the site. I referred the Members of the Committee to the recommendation of the Head of Planning that the application be rejected but that a small Sub-Committee be appointed to meet the applicant in order to explain the Council's reasons for seeking a high quality of design in this location.

At this point Cllr Barlow stood up and said (I paraphrase) that this was the Planning Department which very nearly cost Hemel Hempstead its football team, had cost the Borough thousands of jobs over the years, and which will ensure that the Civic Centre site remains empty waste land for years to come.

He then asked me directly, not through the Chair, to justify my existence by telling the Committee where I proposed to locate the thousands of new homes required in the Borough over the next 10 years if I was going to block any sensible town centre scheme by insisting on a design brief which was commercially unviable.

Before I had a chance to reply Cllr Barlow stormed out of the room saying that he had more important things to do than waste his time listening to "any more excuses from a load of planning plebs who could not appreciate decent modern design".

The remaining DMC Members in the room accepted the Head of Planning's recommendation unanimously and agreed to seek a meeting with Homes 'R' Us and their professional advisers.

Subsequent to the July meeting, I raised the issue of Councillor Barlow's conduct with Councillor Grey, the Chairman of DMC and said that I felt that it was unacceptable and a breach of the Code of Conduct. He replied that Councillor Barlow was a colourful character and that I would have to get used to it. Councillor

Grey didn't think a quiet word from him or the Leader was going to change him. I then spoke to the Council's Monitoring Officer, who advised me that I could make a formal complaint to the Standards Committee.

Accordingly, I now make this formal complaint that Councillor Barlow's conduct at the DMC meeting of 28 July 2023 was a breach of the Council's Code of Conduct in that he treated me, and by inference all members of the Planning Department, with disrespect, implying that we were not professionally competent and that we put our own personal aesthetic preferences above professional standards and our duty to the Council.

Yours faithfully,

Susan House,

Senior Planning Officer
Dacorum Borough Council



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DACORUM BOROUGH COUNCIL

CODE OF CONDUCT FOR COUNCILLORS

Adopted by full Council February 2022

Introductory 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.

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 Council 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](#), as set out in Appendix A 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 Code of Conduct for Councillors, and local authority employees, where concerns should be raised in line with the local authority's protocol for member/officer relation.

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 authority 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. Training and Complying with the Code of Conduct:

As a councillor:

- 8.1 I undertake all mandatory training as specified in the Member Development Programme unless a specific dispensation for the training has been granted by the Monitoring Officer**
- 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 important for you as a councillor to be up to date with various areas of law, guidance and best practice relevant to your role as a councillor. There is a Mandatory Development Programme, which is agreed by Cabinet and kept under review by the Member Development Steering Group that sets out the mandatory courses that all councillors must attend. Additionally a number of non-mandatory, but recommended courses are also run throughout the year which councillors are encouraged to attend.

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

Members' Interests

11. Disclosable Pecuniary Interests

You have a disclosable pecuniary interest in any business of the authority if it is of a description set out in Table 1 and is either-

- (a) an interest of yours, or
- (b) an interest of-
 - (i) your spouse or civil partner,
 - (ii) a person with whom you are living with as husband and wife, or (iii) a person with whom you are living with as if you were civil partners,and you are aware that that other person has the interest.

12. Other Personal Interests

- (1) You have a personal interest in any business of the authority where either:
 - (a) it relates to or is likely to affect:
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the authority;
 - (ii) any body:
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)of which you are a member or in a position of general control or management;
 - (iii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50;
 - (iv) any person or body who employs or has appointed you; or
 - (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater

extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected by the decision.

- (2) In sub-paragraph (1)(b), a relevant person is a member of your family or any person with whom you have a close association.

13. Disclosure of Personal Interests

- (1) Where you have a **personal interest** under paragraph 12 in any business of the authority and you attend a meeting of the authority at which the business is to be considered, you must disclose to that meeting the existence and nature of that interest before the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business which relates to or is likely to affect a body described in paragraph 12(1)(a)(i) – i.e. a body to which you have been appointed as the authority’s nominee – or 12(1)(a)(ii)(aa) – i.e. a body exercising functions of a public nature of which you are a member or in a position of general control or management - you need only disclose to the meeting the existence and nature of that interest if and when you address the meeting on that business.
- (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 12(1)(a)(iii) – i.e. where you have received a gift or hospitality from a person worth at least £50 – you need not disclose the nature and existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- (5) Where you have a personal interest but, by virtue of paragraph 19, sensitive information relating to it is not registered in the authority’s Register of Members’ Interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (6) Subject to paragraph 16(c), where you have a personal interest in any business of the authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- (7) In this paragraph, “executive decision” is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

14. Prejudicial Interests Generally

- (1) Subject to sub-paragraph (2), where you have a **personal interest** under paragraph 12 in any business of the authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) You do not have a prejudicial interest in any business of the authority where that business -
 - (a) does not affect your financial position or the financial position of a person or body described in paragraph 12;
 - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 12; or
 - (c) relates to the functions of the authority in respect of -
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

15. Prejudicial interests arising in relation to overview and scrutiny committees

You also have a prejudicial interest in any business before an overview and scrutiny committee of the authority (or of a subcommittee of such a committee) where -

- (a) that business relates to a decision made (whether implemented or not) or action taken by the authority's executive or another of the authority's committees, sub-committees, joint committees or joint sub-committees; and
- (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint subcommittee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

16. Effect of prejudicial interests on participation

Where you have a prejudicial interest in any business of the authority under paragraph 12 which is to be considered at a meeting (including a meeting of an overview and scrutiny committee) at which you are

present--

- (a) you must, unless paragraph 13(5) applies (sensitive information) disclose the existence and nature of the interest in accordance with paragraph 13(1)

and, unless the meeting is a Council meeting, you must move to the public seating area until that business has been concluded;

- (b) you must not, unless you have obtained dispensation from the monitoring officer, participate in any discussion or voting on the matter, except that you may still make representations, answer questions or give evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose;
- (c) you must not exercise executive functions in relation to that business; and
- (d) you must not seek improperly to influence a decision about that business.

17. Effect of Disclosable Pecuniary Interests on Participation

- (1) If present at a meeting and you are aware that you have a **disclosable pecuniary interest** under paragraph 11 in any matter to be considered, or being considered at the meeting, you must not, unless you have obtained dispensation from the monitoring officer-

- (a) participate, or participate further, in any discussion of the matter at the meeting, or

- (b) participate in any vote, or further vote, taken on the matter at the meeting,

and, you must move to the public seating area until that business has been concluded,

- (c) you must not exercise executive functions in relation to that business; and

- (d) you must not seek improperly to influence a decision about that business

- (2) If a function of the authority may be discharged by a member acting alone and you have a disclosable pecuniary interest in any matter to be dealt with or being dealt with in the course of discharging that function you may not take any steps or any further steps in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by yourself)

Part 3

Registration of Members' Interests

18. Registration of members' interests

(1) Subject to paragraph 19, you must, within 28 days of -

- (a) this Code being adopted by the authority; or
- (b) your election or appointment to office (where that is later),

register in the authority's Register of Members' Interests (maintained by the monitoring officer under Section 29(1)) of the Act details of any-

- (i) **disclosable pecuniary interests** as referred to in paragraph 11 that you may have, or your spouse, civil partner or person with whom you live as if they were your spouse or civil partner may have in so far as you are aware of their interests at that time
- (ii) other **personal interests** that you may have where they fall within a category mentioned in paragraph 12(1)(a)

by providing written notification to the authority's monitoring officer.

(2) Subject to paragraph 19, you must, within 28 days of becoming aware of any new disclosable pecuniary interest or other personal interest or change to any existing disclosable pecuniary interest or other personal interest registered under paragraph (1), register details of that new interest or change by providing written notification to the authority's monitoring officer.

19. Sensitive information

- (1) Where you and the authority's monitoring officer both consider that the information relating to any of your interests (whether or not a disclosable pecuniary interest) is sensitive information then copies of the register that are made available for inspection, and any published version should not include details of the interest but may state that you have an interest details of which are withheld under Section 32(2) of the Act and/or this paragraph.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that details excluded under paragraph (1) are no longer sensitive information, notify the authority's monitoring officer asking that the details be included in the authority's Register of Members' Interests.
- (3) In this Code, "sensitive information" means information which if disclosed or made available for inspection by the public could lead you, or a person connected with you, to being subject to violence or intimidation.

Table 1

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

<i>Interest</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation carried on for profit or gain.	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge) (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where (a)—that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either – (b)

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose –

“**the Act**” means the Localism Act 2011;

“**body in which the relevant person has a beneficial interest**” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“**director**” includes a member of the committee of management of an industrial and provident society;

“**land**” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“**M**” means a member of a relevant authority;

“**member**” includes a co-opted member;

“**relevant authority**” means the authority of which M is a member;

“**relevant period**” means the period of 12 months ending with the day on which M gives a notification to the monitoring officer of their disclosable pecuniary interests, either– following their election or co-option for the purposes of section 30(1) of the Act, or

following a disclosure of a disclosable pecuniary interest which has not already been registered, or is not in the process of being registered, for the purposes of section 31(7) of the Act;

“**relevant person**” means M, or

M’s spouse or civil partner, or
a person with whom M is living as husband and wife, or as if they were civil partners;

“**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.

DACORUM BOROUGH COUNCIL

CODE OF CONDUCT FOR MEMBERS- COMPLAINTS PROCEDURE

1. Introduction

- 1.1 This Complaints Procedure sets out how you can make a complaint that a Member or Co-opted Member of Dacorum Borough Council has failed to comply with the Borough Council's Code of Conduct For Members, and explains how the complaint will be dealt with. It also sets out how you can make a complaint that a Member or Co-opted Member of a Town or Parish Council within the Borough has failed to comply with their own Council's Code of Conduct For Members.
- 1.2 Under Section 28(6) and (7) of the Localism Act 2011, the Borough Council must have in place "arrangements" under which allegations that a member or co-opted member of the Borough Council, or of a Parish or Town Council within the Council's area, has failed to comply with the Code of Conduct can be investigated and decisions made on such allegations.
- 1.3 Such arrangements must provide for the Borough Council to appoint at least one Independent Person, whose views must be sought by the Council before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the Council at any other stage, or by the member or co-opted member against whom an allegation has been made.

2. The Members' Code of Conduct

- 2.1 The Borough Council has adopted a Code of Conduct for Members, which is available for inspection on the Council's website and on request from the Council's Monitoring Officer (see below).
- 2.2 Each Parish and Town Council has also adopted their own Code of Conduct. If you wish to inspect a Parish or Town Council's Code of Conduct, you should inspect any website operated by the Parish or Town Council or request the Parish or Town Clerk to allow you to inspect their Code of Conduct.

3. Making a Complaint

- 3.1 If you wish to make a complaint, please write or email to:

Mark Brookes
Monitoring Officer
Dacorum Borough Council
Civic Centre, Marlowes
Hemel Hempstead, HP1 IHH

mark.brookes@dacorum.gov.uk

Tel: 01442 228236

- 3.2 The Monitoring Officer is a senior officer of the Borough Council who has statutory responsibility for maintaining the Register of Members' Interests and who is responsible for administering the system in respect of complaints of member misconduct.
- 3.3 In order to ensure that we have all the information which we need to be able to process your complaint, please complete and send us the relevant complaint form, which can be downloaded from the Council's website, next to the Code of Conduct, or is available on request from the Monitoring Officer. Please note that there are two separate complaint forms depending on whether the complaint is about a member of the Borough Council or a member of a Town or Parish Council.
- 3.4 Please provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form. The Monitoring Officer will consider your request and if granted, we will not disclose your name and address to the member against whom you make the complaint, without your prior consent.
- 3.5 The Council will not normally investigate anonymous complaints, unless there is a clear public interest in doing so.
- 3.6 The Monitoring Officer will acknowledge receipt of your complaint within five working days of receiving it, and will keep you informed of the progress of your complaint. Unless there are exceptional circumstances, the Monitoring Officer will also immediately inform the member concerned that a complaint has been made about them and provide them with a copy of the complaint or a summary.
- 3.6 The Complaints Procedure Flowchart is annexed at Appendix 1 for your assistance.

4. Will your Complaint be Investigated?

- 4.1 The Monitoring Officer will review every complaint received and, will consult with the Independent Person before taking a decision as to whether it:
 - 4.1.1 Merits no further investigation
 - 4.1.2 Merits further investigation

4.1.3 Should be referred to the Standards Committee

The decision will normally be taken within 20 working days of receipt of your complaint. Your complaint will be considered in accordance with the Assessment Criteria at Appendix 2. Where the Monitoring Officer has taken a decision, he/she will inform you of his/her decision and the reasons for that decision.

- 4.2 Where the Monitoring Officer requires additional information in order to come to a decision, he/she may come back to you for such information, and may request information from the member against whom your complaint is directed. Where your complaint relates to a Parish or Town Councillor, the Monitoring Officer will also inform the Clerk of the Parish or Town Council of your complaint.
- 4.3 In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action by the Council. Where the member or the Council make a reasonable offer of informal resolution, but you are not willing to accept the offer, the Monitoring Officer will take account of this in deciding whether the complaint merits further investigation.
- 4.4 If your complaint identifies potential criminal conduct or breach of other regulations by any person, the Monitoring Officer has the power to call in the Police or other regulatory agencies.

5. How is the Investigation Conducted?

- 5.1 If the Monitoring Officer decides that a complaint merits further investigation, he/she may appoint an Investigating Officer, who may be another senior officer of the Council, an officer of another authority or an external investigator. The Investigating Officer or Monitoring Officer will decide whether he/she needs to meet or speak to you to understand the nature of your complaint and so that you can explain your understanding of events and suggest what documents need to be seen and who needs to be interviewed.
- 5.2 The Investigating Officer or Monitoring Officer will normally write to the member against whom you have complained and provide him/her with a copy of your complaint, and ask the member to provide his/her explanation of events and to identify what documents he/she needs to see and who he/she needs to interview. In exceptional cases, where it is appropriate to keep your identity confidential or disclosure of details of the complaint to the member might harm the investigation, the Monitoring Officer can delete your name and address from the papers given to the member or delay notifying the member until the investigation has progressed sufficiently.

5.3 At the end of his/her investigation, the Investigating Officer or Monitoring Officer will produce a Draft Investigation Report and will send copies of that draft report, in confidence, to you and to the member concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires more consideration.

5.4 Having received and taken account of any comments which you may make on the draft report, where an Investigating Officer has been appointed, the Investigating Officer will send his/her Final Investigation Report to the Monitoring Officer.

6. What happens if the investigating officer or monitoring officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

6.1 If an Investigating Officer has been appointed, the Monitoring Officer will review the Investigating Officer's report and, after consulting the Independent Person, he/she is satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the member concerned (and to the Parish or Town Council where your complaint relates to a Parish or Town Councillor), notifying you that he/she is satisfied that no further action is required, and give you both a copy of the Final Investigation Report. Alternatively, the Monitoring Officer may refer the Investigating Officer's report to the Standards Committee if he/she considers it appropriate to do so.

6.2 If an Investigation Officer has been appointed and if the Monitoring Officer is not satisfied that the investigation has been conducted properly, he may ask the Investigating Officer to reconsider his/her report.

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

7.1 If an Investigating Officer has been appointed, the Monitoring Officer will review the Investigating Officer's Final Investigation Report and will then either send the matter for a hearing before the Standards Sub-Committee or, in consultation with the Independent Person, seek an informal resolution.

7.1.1 Informal Resolution

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult with the Independent Person and with you as complainant and seek to agree what you consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that his/her conduct was unacceptable and

offering an apology, and/or other remedial action by the Council. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee (and the Parish or Town Council where appropriate) for information, but will take no further action.

7.1.2 **Hearing**

If the Monitoring Officer considers that informal resolution is not appropriate, or the councillor concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will refer the Final Investigation Report to the Standards Sub-Committee which will conduct a hearing before deciding whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member.

The Council has agreed a procedure for hearing complaints, which is attached as Appendix 3 to this Complaints Procedure.

At the hearing, the Investigating Officer or the Monitoring Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer or Monitoring Officer may ask you as the complainant to attend and give evidence to the Sub-Committee. The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Sub-Committee as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

The Sub-Committee, with the benefit of any representations from the Independent Person, may conclude that the member did not fail to comply with the Code of Conduct and dismiss the complaint. If the Sub-Committee concludes that the member did fail to comply with the Code of Conduct, the Chair will inform the member of this finding and the Sub-Committee will then consider what action, if any, the Sub-Committee should take as a result of the member's failure to comply with the Code of Conduct. In doing this, the Sub-Committee will give the member an opportunity to make representations to the Sub-Committee and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter.

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

- 8.1 The Council has delegated to the Sub-Committee such of its powers to take action in respect of individual members as may be necessary to

promote and maintain high standards of conduct. Accordingly, the Sub-Committee may:-

- 8.1.1 Publish its findings in respect of the member's conduct;
 - 8.1.2 Report its findings to Council (or to the Parish/Town Council) for information but recommending that no sanction be applied;
 - 8.1.3 Recommend to Council (or to the Parish/Town Council) that he/she be issued with a formal censure or be reprimanded;
 - 8.1.4 Recommend to the member's Group Leader (or in the case of un-grouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
 - 8.1.5 Recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
 - 8.1.6 Instruct the Monitoring Officer to (or recommend that the Parish/Town Council) arrange training for the member;
 - 8.1.7 Recommend to Council (or recommend to the Parish/Town Council) that the member be removed from all outside appointments to which he/she has been appointed or nominated by the Council (or by the Parish/Town Council)
 - 8.1.8 Recommend to Council (or recommend to the Parish/Town Council) that it withdraws facilities provided to the member by the Council, such as a computer, website and/or email and internet access; or
 - 8.1.9 Recommend to Council (or recommend to the Parish/Town Council) that it excludes the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
 - 8.1.10 Recommend to Council (or recommend to the Parish/Town Council) that it prevents the member from having access to a particular officer or officers.
- 8.2 The Sub-Committee has no power to suspend or disqualify the member or to withdraw members' or special responsibility allowances.

9. What happens at the end of the hearing?

- 9.1 At the end of the hearing, the Chair will state the decision of the Standards Sub-Committee as to whether the member failed to comply

with the Code of Conduct and as to any actions which the Sub-Committee resolves to take.

- 9.2 As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Sub-Committee, and send a copy to you, to the member (to the Clerk of the Parish/Town Council if applicable), make that decision notice available for public inspection and report the decision to the next convenient meeting of the Council.

10. Who are the Standards Sub-Committee?

- 10.1 It is a Sub-Committee comprising of Members sitting on the Council's Standards Committee.
- 10.2 The Standards Committee has decided that it will comprise of five Members of the Standards Committee. If the Councillor complained about is a member of a Parish or Town Council, one of the five members of the Sub-Committee will be a Parish or Town Councillor member of the Standards Committee.
- 10.3 The Independent Person will attend all meetings of the Sub-Committee and their views are sought and taken into consideration before the Sub-Committee takes any decision on whether the member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

11. Who is the Independent Person?

- 11.1 The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is appointed by a positive vote from a majority of all the members of the Council.
- 11.2 A person cannot be "independent" if he/she:
- 11.2.1 is, or has been within the past 5 years, a member, co-opted member or officer of the Council;
 - 11.2.2 is or has been within the past 5 years, a member, co-opted member or officer of a Parish or Town Council within the Borough), or
 - 11.2.3 Is a relative or close friend of a person within paragraph 11.2.1 or 11.2.2 above. For this purpose a "relative" means:
 - 11.2.3.1 Spouse or civil partner;
 - 11.2.3.2 Living with the other person as husband and wife or as if they were civil partners;

- 11.2.3.3 Grandparent of the other person;
- 11.2.3.4 A lineal descendent of a grandparent of the other person;
- 11.2.3.5 A parent, sibling or child of a person within paragraphs 11.2.3.1 or 11.2.3.2; or
- 11.2.3.6 A spouse or civil partner of a person within paragraphs 11.2.3.3, 11.2.3.4 or 11.2.3.5; or
- 11.2.3.7 Living with a person within paragraphs 11.2.3.3, 11.2.3.4 or 11.2.3.5 as husband and wife or as if they were civil partners.

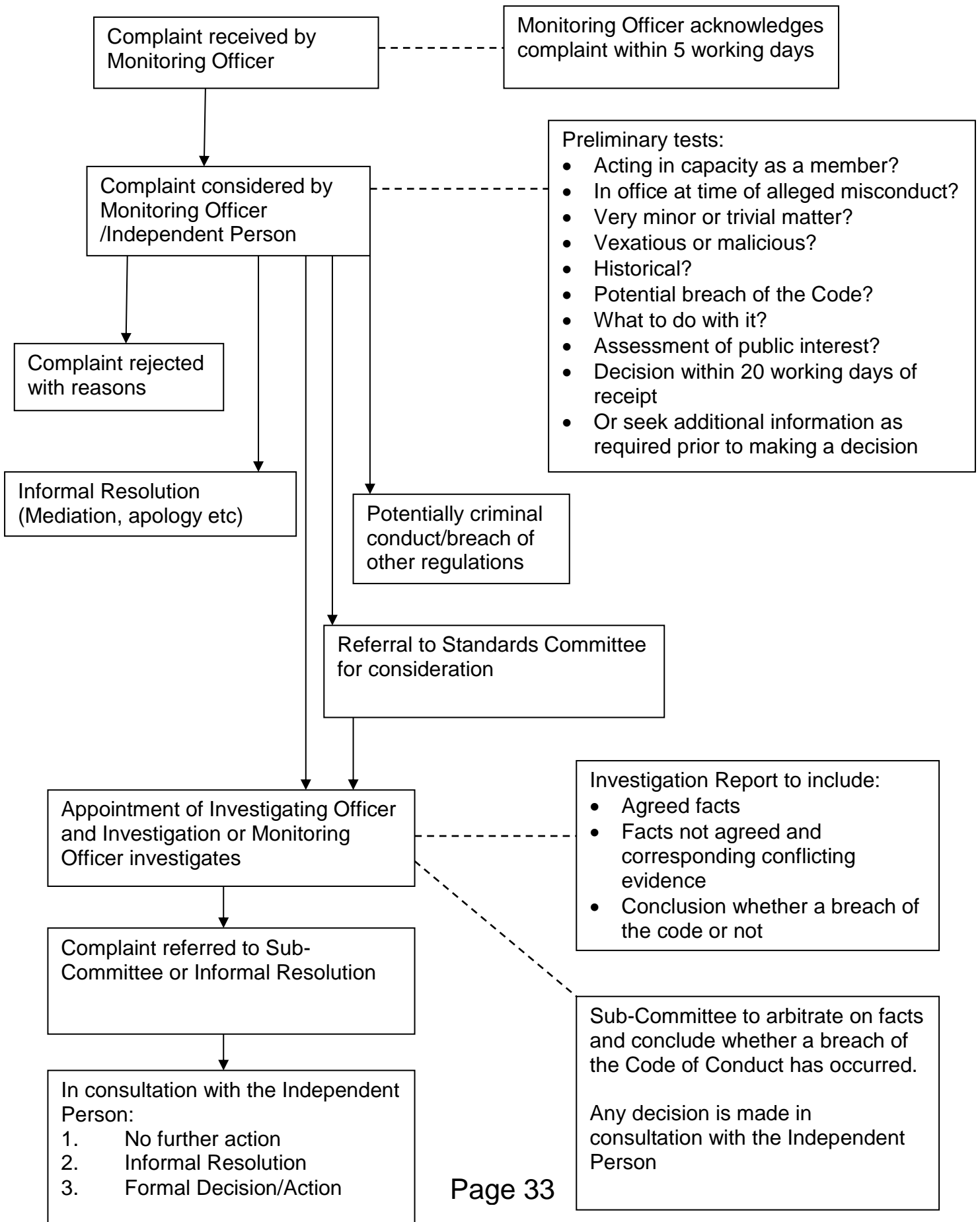
12. Revision of this Complaints Procedure

The Standards Committee may agree to amend this Complaints Procedure and has delegated to the Chair of the Sub-Committee the right to depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

13. Appeals

- 13.1 There is no right of appeal for you as complainant or for the member against a decision of the Monitoring Officer or of the Sub-Committee.
- 13.2 If you feel that the Council has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.

Appendix 1 Complaints Procedure Flowchart



APPENDIX 2

STANDARDS COMPLAINTS ASSESSMENT CRITERIA

Complaints which would not normally be referred for investigation

1. The complaint is not considered sufficiently serious to warrant investigation or
2. The complaint appears to be simply motivated by malice or is “tit-for-tat” or,
3. The complaint appears to be politically motivated, or
4. It appears that there can be no breach of the Code of Conduct; for example, that it relates to the Councillor’s private life or is about dissatisfaction with a Council decision; or
5. It is about someone who is no longer a Councillor
6. There is insufficient information available for a referral for investigation; or
7. The complaint has not been received within 3 months of the alleged misconduct unless there are exceptional circumstances eg, allegation of bullying, harassment etc
8. The matter occurred so long ago that it would be difficult for a fair investigation to be carried out; or
9. The same, or similar complaint has already been investigated and there is nothing further to be gained by seeking the sanctions available to the Standards Committee; or
10. It is an anonymous complaint, unless it includes sufficient documentary evidence to show a significant breach of the Code of Conduct
11. Where the member complained of has apologised and/or admitted making an error and the matter would not warrant a more serious sanction

Complaints which may be referred for investigation

1. It is serious enough, if proven, to justify the range of actions available to the Standards Committee; or
2. There are individual acts of minor misconduct which appear to be part of a continuing pattern of behaviour that is unreasonably disrupting the business of the Council and there is no other avenue left to deal with it other than by way of an investigation

Complaints which may be referred to the Standards Committee for a decision on whether it should be investigated

1. The complaint is about a high profile Member, such as the Leader of the Council, and it would be difficult for the Monitoring Officer to make a decision as to whether or not it should be investigated.
2. Such other complaints as the Monitoring Officer considers it would not be appropriate for him/her to make a decision as to whether or not it should be investigated.

Whilst complainants must be confident that complaints are taken seriously and dealt with appropriately, deciding to investigate a complaint or to take further action will cost both public money and officers' and members' time. This is an important consideration where the complaint is relatively minor. The complaint must be serious enough to justify the public expense and Council resources in investigating it.

APPENDIX 3

STANDARDS SUB COMMITTEE HEARING PROCEDURE

Item No	Procedure
1.	Quorum 1.1 Three Members must be present throughout the hearing to form a quorum. 1.2 Where the complaint refers to a Parish/Town Councillor, a non-voting Parish/Town member of the Standards Committee must be present 1.3 The Sub-Committee shall nominate a Chairman for the meeting
2.	Opening 2.1 The Chairman explains the procedure for the hearing and reminds all parties to turn off mobile phones, audible alarms and pagers etc 2.2 The Chairman asks all present to introduce themselves 2.3 The Councillor will be asked whether they wish to briefly outline their position
3.	The Complaint 3.1 The Investigating Officer shall be invited to present their report including any documentary evidence or other material (and to call witnesses as required by the Investigating Officer). This report and documentary evidence must be based on the complaint made to the Council – no new points will be allowed. 3.2 The Councillor against whom the complaint has been made (or their representative) may question the Investigating Officer upon the content of their report and any witnesses called by the Investigating Officer. (This is the Councillor's opportunity to ask questions rising from the Investigator's report and not to make a statement) 3.3 Members of the Sub-Committee may question the Investigating Officer upon the content of their report and/or any witnesses called by the Investigating Officer.

Item No	Procedure
4.	<p data-bbox="363 271 703 300">The Councillor's Case</p> <p data-bbox="363 342 1407 450">4.1 The Councillor against whom the complaint has been made (or their representative) may present their case (and call any witnesses as required by the Councillor or their representative)</p> <p data-bbox="363 492 1407 557">4.2 The Investigating Officer may question the Councillor and/or any witnesses</p> <p data-bbox="363 600 1407 665">4.3 Members of the Sub-Committee may question the Member and/or any witnesses</p>
5.	<p data-bbox="363 714 563 743">Summing Up</p> <p data-bbox="363 786 1203 815">5.1 The Investigating Officer may sum up the Complaint</p> <p data-bbox="363 857 1326 887">5.2 The Member (or their representative) may sum up their case.</p>
6.	<p data-bbox="363 934 499 963">Decision</p> <p data-bbox="363 1005 1407 1113">6.1 Members of the Sub-Committee will deliberate in private to consider the complaint in consultation with the Independent Person prior to reaching a decision</p> <p data-bbox="363 1155 1407 1220">6.2 Upon the Sub-Committee's return the Chairman will announce the Sub-Committee's decision in the following terms:-</p> <p data-bbox="432 1263 1407 1328">6.2.1 The Sub-Committee decides that the Member has not failed to follow the Code of Conduct or</p> <p data-bbox="432 1370 1407 1435">6.2.2 The Sub-Committee decides that the Member has failed to follow the Code of Conduct</p> <p data-bbox="432 1478 1310 1507">6.2.3 The Sub-Committee will give reasons for their decision</p> <p data-bbox="363 1550 1407 1657">6.3 If the Sub-Committee decides that the Member has failed to follow the Code of Conduct it will consider any representations from the Investigator and/or the Member as to:</p> <p data-bbox="432 1700 1115 1729">6.3.1 Whether any action should be taken, and</p> <p data-bbox="432 1729 1007 1758">6.3.2 What form any action should take</p> <p data-bbox="363 1778 1407 1886">6.4 The Sub-Committee will then deliberate in private to consider what action if any should be taken in consultation with the Independent Person</p> <p data-bbox="363 1928 1407 2036">6.5 On the Sub-Committee's return the Chairman will announce the Sub-Committee's decision (in relation to a Parish/Town Councillor a recommendation to the Parish/Town Council)</p>

Item No	Procedure
6.6	The Sub-Committee will consider whether it should make any recommendations to the Council or in relation to a Parish/Town Councillor to the Parish/Town Council with a view to promoting high standards of conduct among Members
6.7	The Chairman will confirm that a full written decision shall be issued within 7 working days following the hearing and that the Sub-Committee's findings to be published.

Dacorum Borough Council

Standards Committee

Complaint in respect of Councillor Barlow

Monitoring Officer's Pre-Hearing Summary

1. The Complaint

On 1st August 2023 Senior Planning Officer, Susan House, wrote to the Monitoring Officer (MO) with a formal complaint alleging that Councillor Barlow's conduct at the meeting of the Development Management Committee (DMC) on 28 July 2023 constituted a breach of the Council's Code of Conduct in that he failed to treat her and other officers of the Council's Planning Department with respect and bullied them. A copy of the complaint letter is attached as Appendix One.

2. The Investigating Officer's Report

The MO reviewed the complaint and after consulting the Independent Person (IP), Michael Browne, decided that this complaint should be investigated and referred it to the Deputy Monitoring Officer, Adelle Stapleton, to carry out the investigation. Following his investigation, Mrs Stapleton concluded that there was evidence that Councillor Barlow had failed to comply with the Council's Code of Conduct and had failed to treat Mrs House with respect. He did not find evidence of a failure to treat other officers of the Planning Department with respect and he did not find evidence of bullying. A copy of Mrs Stapleton's report is attached as Appendix Two.

The MO reviewed the investigation report and its conclusions and after consulting again with the IP referred the matter to the Standards Committee for a hearing.

3. Pre Hearing

In preparation for this hearing, Councillor Barlow has been provided with a copy of Mrs Stapleton's report. In order to attempt to simplify the hearing process and identify those matters which are agreed, Councillor Barlow has been requested to identify any points at which he disagrees with any finding of fact in the report.

4. The Key Issue

The core of the allegation relates to the manner in which Councillor Barlow addressed the DMC on 28 July in its consideration of a planning application by Homes 'R' Us for residential development at the former Civic Centre site, Hemel Hempstead and whether his words, and his departure from the

Committee Room, constituted a failure to treat the complainant with respect and/or amounted to bullying.

(a) The key events

Mrs Stapleton has set out in her report her conclusions as to the key events and as to what Councillor Barlow actually said. Councillor Barlow confirms much of this but disagrees with Mrs Stapleton on the following material points:

Mrs Stapleton found as a matter of fact that, following Mrs House's introduction of this agenda item and her presentation of the Head of Planning's report and recommendation of refusal of the application, primarily as being contrary to the approved design brief for the former Civic Centre site, Councillor Barlow responded in the following terms:

"This is the Planning Department which very nearly cost Hemel Hempstead its football team, has cost the borough thousands of jobs over the years, which will ensure that the heart of Hemel Hempstead in the form of the old Civic Centre site remains empty waste land for years to come and stopping people from getting the homes they deserve.

You are just a waste of space unless you can tell me where you propose to locate the 1,000 new homes which we have got to find in the town, when you spend your time trying to block any sensible redevelopment of the old Civic Centre site, making sure that no developer can afford to build it by insisting on grandiose designs and materials which don't make commercial sense when a bog standard design brief would be more than sufficient."

At this point it is alleged by Mrs House that Councillor Barlow left the Committee Room, saying:

"I have much more important things to do than to listen to any more excuses from a load of planning plebs who cannot appreciate a decent modern design."

Councillor Barlow confirms that this is what he said, with the exception of the final paragraph, where he says that his actual words were as follows:

"I have another important meeting which I must go to now. I do not want to listen to any more excuses from our planning people who don't seem to appreciate a decent modern design."

In particular, Councillor Barlow denies using the word 'plebs' and insists he said the word 'people'.

On this point, Councillor Barlow has asked that a witness be invited to attend to give evidence at the hearing that Councillor Barlow had an external meeting at 11.30 am and that his departure was required at this point in order to attend this meeting. This point is accepted by Mrs Stapleton, so it is not proposed to arrange for a witness to attend.

Other witnesses who might be able to assist in respect of the actual wording used would include the Chairman of DMC, Councillor Grey, and the Committee Clerk, Mrs Kayley Johnston (whose contemporaneous notes broadly confirm Mrs House's version of events). Mrs House, Councillor Barlow, Councillor Grey, Mr Browne and Mrs Stapleton will be present at the hearing. I have made no arrangements for members of the DMC to be present.

You will see from Mrs Stapleton's report that when she questioned all the other Members of DMC they all said that they could not quite hear what Councillor Barlow was saying at the point he was actually walking out of the room. This was because the Members of the DMC are seated on the side of the room farthest from the door (except the Chairman who is seated on the same side as the officers and therefore nearer to the door) and Councillor Barlow had his back to them when he said his final words.

(b) Disrespect:

Paragraph 1.2 of the Council's code of Conduct states that **"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"**

Mrs House states in her complaint that Councillor Barlow's words carried the clear implication that members of the DMC, including herself, were failing to apply professional standards in their work, and pursuing personal aesthetic preferences.

Councillor Barlow states, and this is accepted by Mrs Stapleton, that he had no intention to cause offence to Mrs House or to any member of the Planning Department, but wished to draw the Committee's attention to his view that the policies pursued by the Council had consistently failed to produce the new investment which the Hemel Hempstead town centre required.

Mrs Stapleton concludes that the issue is not the subjective test of Councillor Barlow's intentions when he addressed the Committee, but rather the objective test of whether the language that he used and the manner of his address fell below the standard which might reasonably be expected of a Councillor in such circumstances.

This is essentially a matter of interpretation of the Code of Conduct. The relevant witnesses on this matter would be Councillor Barlow and

Mrs Stapleton, who has requested the opportunity to address the Standards Committee on this point.

(c) Bullying

1.1 Paragraph 2 of the Code of Conduct says that “**I do not bully 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.

Mrs Stapleton concluded that there was no evidence of an intention to undermine Mrs House and so concluded that Councillor Barlow’s conduct did not amount to bullying.

(d) Other Issues:

(i) Councillor Barlow has asked that the Head of Planning and the Chief Executive of Homes ‘R’ Us be requested to give evidence as to the additional costs which Homes ‘R’ Us would have been required to incur had they complied with the former Civic Centre Design Brief, and the consequent increase in rent or purchase price for the residential properties. The Head of Planning will be available if required but I have made no arrangements for the Chief Executive of Homes ‘R’ Us to be present.

I would advise that, whilst such matters might have been material to the DMC’s consideration of the planning application, they are not material to the Standards Committee’s consideration of this matter.

5. The Procedure for the Hearing

I attach as Appendix Three a copy of the procedure which the Standards Committee has adopted for the conduct of such hearings. In this instance, Mrs Stapleton, the Investigating Officer, will be present and will therefore present his report.

Councillor Barlow has indicated that he will be attending and will present his own case.

The Investigating Officer's Report

Dacorum Borough Council

Confidential

**REPORT OF AN INVESTIGATION UNDER SECTION
28(6) OF THE LOCALISM ACT 2011 BY ADELLE
STAPLETON, ACTING AS INVESTIGATING
OFFICER, INTO AN ALLEGATION CONCERNING
COUNCILLOR BARLOW, A MEMBER OF DACORUM
BOROUGH COUNCIL**

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Executive Summary

1. This report deals with an allegation by Mrs Susan House against Councillor Barlow.
2. Allegation: That Councillor Barlow failed to treat Mrs House and other officers of the Borough Council's Planning Department with respect.
3. Finding: That Councillor Barlow did fail to treat Mrs House with respect.

Details of the allegation

4. Mrs House attended the meeting of the Development Management Committee of Dacorum Borough Council on 28 July 2023 in her capacity as a Senior Planning Officer deputising for the Head of Planning, at which meeting she introduced a report on behalf of the Head of Planning relating to an application for planning permission by Homes 'R' Us for the development of new housing at the former Civic Centre site in Marlowes, Hemel Hempstead.

She complained that Councillor Barlow was present at that meeting and, following Mrs House's introduction of this report, responded by saying that the Borough Council's Planning Department was responsible for nearly costing Hemel Hempstead its football club, and for the loss of many jobs in the Borough, and for the Civic Centre site remaining empty waste land for years to come.

Councillor Barlow then asked Mrs House directly to justify her existence by telling the Committee where she proposed to locate thousands of new homes required in the Borough over the next 10 years if she was going to block any sensible town centre scheme by insisting on a design brief which was commercially unviable.

When Mrs House referred to the Head of Planning's recommendation that the application be refused Councillor Barlow left the room without waiting for a reply and said as he was leaving that he had more important things to do than waste his time listening to "any more excuses from a load of planning plebs who could not appreciate decent modern design."

Mrs House complained that this conduct amounted to a failure to show respect both to herself and to the members of the Planning Department and implied that they were not professionally competent and put personal aesthetic preferences above professional standards and their duties to the Borough Council.

The relevant sections of the Council's Code of Conduct

5. Section 1.2 of the Council's Code of Conduct states that "**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**". This is amplified in the Council's protocol on

Member/Officer relations, which for this purpose is to be taken as guidance to Councillors and Officers on the interpretation of the Code of Conduct, which states that officers can expect respect, dignity and courtesy from Members.

Paragraph 2.1 of the Council's Code of Conduct states that "**I do not bully 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 Parties Involved

6. Councillor Barlow (the Member subject of the complaint), Councillor Grey (the Chairman of the Development Management Committee), the Head of Planning, Mrs House (a Senior Planning Officer and the complainant), Mr Brookes (the Monitoring Officer), Mike Browne (the Independent Person), and Mrs Johnston (the Committee Clerk).

The Evidence Obtained

7. Councillor Barlow was elected as a member of Dacorum Borough Council at a bye-election in June 2019 and is a member of the Development Management Committee (DMC).
8. The former Civic Centre site located at the northern end of Marlowes is currently a vacant site, the building having been demolished early in 2018 following the relocation of the Council staff to 'Forum Towers' in the Water Gardens. The Civic Centre site was sold by the Council to Homes 'R' Us following the demolition of the building. Homes 'R' Us have outline planning permission for a residential scheme of up to 1000 houses and flats, 80% of which will be for private sale and the other 20% available for affordable renting.

The Council's Planning Department consider the former Civic Centre site to occupy a prestigious and sensitive location as it is within the town centre zone and also near to the Old Town which is a conservation area. The DMC adopted a design brief for the Civic Centre site which requires that any new buildings on the site should be of a quality and design which complement its important location in the town centre and only high grade materials should be used. The design brief expressed the DMC's aspiration that any residential development would be 'up market' and iconic in design befitting its prime location in the town centre. Homes 'R' Us submitted an application for

reserved matters for their residential scheme and this came before the DMC at a meeting held on 28 July this year.

9. The Head of Planning prepared the report on reserved matters but was unable to attend the meeting. Mrs House deputised for the Head of Planning at the meeting which was the first meeting of the DMC which she had attended at which Councillor Barlow was present as a Councillor. Mrs House presented to the Committee the report on reserved matters on behalf of the Head of Planning in which he advised that the proposed design fell substantially short of the requirements of the design brief, particularly in terms of its mass, visual appearance and use of cheap, low grade materials. The report therefore recommended that the application by Homes 'R' Us should be refused.
10. Mrs House told me that she had met Councillor Barlow before his election as a Councillor when he had been extremely critical of the Borough Council's opposition to the Hemel Hempstead Football Club's plans for a new ground on the outskirts of the town on a green field site in the Green Belt. At public meetings and at the appeal hearing, and subsequently in his election literature, Councillor Barlow had made very personal and, in Mrs House's view, unjustified criticisms of individual officers, but she accepted that the Code of Conduct did not apply to him until his election as a Councillor.
11. She said that since the election, she was aware that Councillor Barlow had come into the Planning Department on at least two occasions in order to make enquiries about planning applications affecting his ward. On both occasions he had not been satisfied by the information which the reception staff had been able to provide and had been referred through to Mrs House. He had sought to express a view on the merits of the particular applications and she had provided him with copies of the applications and asked him to put his comments in writing so that they could be taken into account when the relevant Planning Officer wrote the report for the Head of Planning to present to the DMC.
12. She told me that, at the DMC meeting, she had distinctly heard Councillor Barlow say to the Committee that:

"this is the Planning Department which very nearly cost Hemel Hempstead its football team, has cost the Borough thousands of jobs over the years, which will ensure that the heart of Hemel Hempstead in the form of the old Civic Centre site remains empty waste land for years to come and stopping people from getting the homes they deserve."

She reports that he then turned directly to her and said:

"You are just a waste of space unless you can tell me where you propose to locate the 1,000 new homes which we have got to find, when you spend your time trying to block any sensible redevelopment of the old Civic Centre site, making sure that no developer can afford to build it by insisting on grandiose

designs and materials which don't make commercial sense when a bog standard design brief would be more than sufficient."

She states that at this point, Councillor Barlow stormed out of the Committee Room, saying

"I have much more important things to do than to listen to any more excuses from a load of planning plebs who cannot appreciate a decent modern design."

13. Mrs Johnston, the Committee Clerk, attended the meeting and took manuscript notes in order to prepare the minutes of the meeting. Her practice is to make shorthand notes as the debate proceeds, highlighting key words in full text. Tape recordings are not taken of ordinary meetings of the DMC nor are the proceedings shown on webcast.

14. The contemporaneous notes written by Mrs Johnston are not a full verbatim report, but they do record Councillor Barlow as using the following phrases (in the order in which they appear below):

"Planning Department which nearly cost Hemel its football club"

"cost Borough thousands of jobs over the years"

"Civic Centre site the heart of Hemel"

"empty for years to come"

"stopping people getting homes"

"waste of space – where else can 1,000 new homes go"

"blocking sensible redevelopment – developers cannot afford to build – grandiose designs don't make commercial sense – bog standard will do"

"more important things – listen to more excuses "

"load of planning (indistinct word) - don't appreciate modern design"

(leaves 11.23 am)

15. Councillor Barlow told me that he had had a number of previous dealings with the Planning Department, before his election as a Councillor, and had found them to be inflexible, seeking to comply strictly with the Local Plan and unable or unwilling to consider any alternative proposals. He referred to the proposals for the new football stadium, the Planning Department's approach to restricting the growth of the football club and the fact that the DMC's refusal for the new ground had been upheld on appeal by the Secretary of State. In his view, development and consequent prosperity, depend upon developers' initiative in coming forward with ideas about what can be developed

commercially and not from unreasonable restrictions on design imposed by the Planning Department.

16. Councillor Barlow told me that, since being elected as a Councillor, he has been made aware of his constituents' concerns over the delay in building the residential development proposed for the former Civic Centre site. He said there was an acute shortage of affordable housing in Hemel Hempstead and he was therefore very supportive of the Homes 'R' Us proposals which would bring in 200 affordable homes into the town centre. His view is that the design proposed by Homes 'R' Us is an honest, workmanlike design which would be a considerable improvement over the present waste land appearance. Since Homes 'R' Us is required to use its resources for the provision of 200 social rented housing, its decision not to spend additional money on up market design and materials will mean that it does not have to reflect the additional cost in the rents of the affordable housing. Accordingly, he supported the simplicity of the presented design and opposed the Head of Planning's recommendation that it fell short of the design brief. He said it was the brief that was wrong and not the designs put forward by Homes 'R' Us.
17. Councillor Barlow told me that he had felt that it was important for the DMC to take a practical decision within the bounds of what was economically achievable. He stated that, in addressing the Committee, he had no intention to cause offence to Mrs House or to any officer in the Planning Department, but was seeking to draw to members' attention the Head of Planning's attempts to seek unrealistic standards, with the result that beneficial developments had been prevented or delayed. In his view, the Planning Department and its officers should be capable of accepting honest criticism without taking offence.
18. Councillor Barlow has evidence that he had another appointment elsewhere in Hemel Hempstead at 12 noon on the day of the meeting which necessitated his leaving the meeting very shortly after the start of the consideration of the planning application by Homes 'R' Us. He did not speak from notes and says that he cannot recall the exact words which he used. He is clear though that he did not use the word 'plebs'. He said that he would never use such a word but he did accept that he felt totally frustrated with the Planning Department. He insisted that he had intended no discourtesy to the Chairman and had addressed his remarks towards the platform where both the Chairman and Mrs House were seated. He recalls asking where the required new housing was to be located if it were not to be permitted on the Civic Centre site and acknowledges that it is possible that he may have expressed this request directly to Mrs House rather than through the Chair.
20. Councillor Grey, the Chairman of the DMC told me that Councillor Barlow had apologised to him before the meeting that he could not stay for the whole meeting. Councillor Grey said that Councillor Barlow is a forceful and colourful personality who speaks his mind on issues. Like most new members, he needs to learn the etiquette of Committee procedure and as Chairman he allowed him some tolerance, but he had spoken to him in the Members' Room after the previous meeting of the DMC where he had made

very personal remarks to another member and told him privately that he did not need to personalise the argument but should stick to the main points and direct his remarks to the Chairman.

21. Councillor Grey told me that the Head of Planning's recommendation was entirely consistent with the policy adopted by the DMC and with previous decisions of the Committee. He had not noticed anything exceptional in respect of the matter until Mrs House had completed her presentation of that report. He did not recall Councillor Barlow's exact words. He did recall that he was loud and that he seemed to be unnecessarily re-opening the Hemel Hempstead Football Club issue but that he had noted that he again personalised issues to the Planning Department despite the fact that these were decisions taken by the full Committee. He had intended to have a further word with him after the meeting, except that he had left by then. Councillor Barlow's words did not seem to have influenced the Committee unduly, as Mrs House had summed up the policy position very clearly and the Committee had agreed with the recommendation and resolved to refuse the application.
22. Councillor Grey told me that he had not been aware that Mrs House had taken particular offence at Councillor Barlow's words until she raised the issue in their usual post-meeting review two days later, when they go through the draft minutes and agree actions. At the start of that meeting Mrs House had said that she took exception to Councillor Barlow's accusation that officers were not acting professionally and that she looked to the Chairman to take appropriate action. The Chairman said that he had replied that they had both come up against Councillor Barlow before he was elected as a Councillor and that he showed no signs of having changed his attitude or behaviour since his election. So, whatever he might say to him, Mrs House would have to accept that he was going to be on DMC so she might as well get used to him expressing his views.

Conclusions

23. I am satisfied that Mrs House's recollection of events at the meeting of the DMC on 28 July and of what Councillor Barlow said at the meeting, as set out in Paragraph 12 above and very largely confirmed by the contemporaneous notes made by Mrs Johnston, the Committee Clerk, is essentially a correct record. The only substantial dispute is in relation to the allegation that Councillor used the word 'plebs' as he left the room. Mrs House is adamant that she heard Councillor Barlow say the word 'plebs' as he was walking out of the room. Councillor Barlow is equally adamant that he did not use the word 'plebs' and that the word he used was 'people'. There is no evidence to corroborate Mrs House's allegation in this respect. Mrs Johnston's notes do not record the use of the word although they do refer to some word or words being indistinct. Councillor Grey cannot recall exactly what Councillor Barlow said and the other members of the Committee say they were too far away to hear what was being said as Councillor Barlow was in the process of walking out the door and had his back to them.

24. I am satisfied that the Head of Planning's report to the DMC in respect of the Homes 'R' Us proposals was properly presented by Mrs House in accordance with the professional standards which would normally be expected from a Senior Planning Officer.
25. I have not sought to investigate the history of the Hemel Hempstead Football Club scheme or of other employment or housing planning applications in the Borough, so I express no view upon the veracity of Councillor Barlow's assertion as to the impact of planning policies.
26. I accept Councillor Barlow's assertion that, in addressing the DMC, he had no intention to cause offence to Mrs House or to any member of the Planning Department, that his intention was to draw the Committee's attention to a series of events, and that his parting remarks were a reference to the fact that he was unable to remain at the Committee because of a requirement to attend another meeting. I therefore approach the issue of whether his remarks constituted a failure to treat others with respect not in terms of his intention but in terms of whether the language that he used and the manner of his address fell below the standard which might reasonably be expected of a Councillor in such circumstances.
27. Local Government is required to resolve matters of local controversy. Such matters will be matters which give rise to strong feelings. Some element of political rough and tumble is to be expected and accepted between members. But local authorities can only function effectively if reasonable relations are maintained between members and officers, however controversial the current issue may be.
28. It is not uncommon that the perceived failings of policies which have been adopted by the Council are laid at the door of the officer or department whose responsibility it is to administer those policies, and this is not of itself a failure to treat the officer or department with respect.
29. In this instance, however, Councillor Barlow, did positively challenge Mrs House at the meeting to justify her existence, and implicitly her continued employment by the Borough Council, and then left the Committee Room without giving her the opportunity to respond. Whilst he had explained to the Chairman of the Committee that he would have to leave the meeting early, he could not be sure that Mrs House was aware that this was the reason for his departure, and his parting words (even if it is accepted that the word 'plebs' was not used) were, whether intentionally or not, such that they would be understood by an independent observer to indicate that he did not consider that any response which Mrs House might give could be worth listening to. In so doing, in my view, Councillor Barlow failed to treat Mrs House with respect and breached the Code of Conduct.
30. Turning then to the complaint of bullying, as set out above, I am satisfied that Councillor Barlow's words and the manner in which they were delivered was offensive to Mrs House. I cannot say that they were intimidating, in the sense that Mrs House was not intimidated from responding to those words by

making this complaint. The Council's Code of Conduct does not define what constitutes 'bullying'. I have therefore used the description of bullying applied by ACAS. In order to satisfy the ACAS description of bullying, it would be necessary that Councillor Barlow's words and actions constituted an attempt to undermine Mrs House and/or her colleagues in the Planning Department. Councillor Barlow denies any such intention and in the absence of any further positive evidence of such intention, I must conclude that he did not have the necessary intention to intimidate and therefore that his words and actions did not amount to bullying.

Adelle Stapleton
Investigating Officer