

Standards Complaint



## **DECISION NOTICE**

### **TAKE NO FURTHER ACTION**

**Date of determination**      12<sup>th</sup> September 2024

**Subject Member**

Councillor Ron Tindall

**Complainants**

Two anonymous complainants – known as “Complainant 1” and “Complainant 2” in the proceedings. They were not dated but they were received on 28<sup>th</sup> and 29<sup>th</sup> April 2024.

**Hearing Sub-Committee Membership**

Councillor Jonathan Gale (Chair).

Councillor Catherine McArevey (Vice-Chair)

Councillor Rick Freeman

Councillor Alan Anderson

**Apologies for Absence** Councillor Graeme Elliot

Mr Mike Browne – Independent Person

**Monitoring Officer**

Mr Mark Brookes, Assistant Director, Legal and Democratic Services

**Investigating Officer**

Mrs Olwen Brown, Consultant Solicitor with Anthony Collins Solicitor

**Complaint**

The Standards Sub- Committee met to consider an investigation report in respect of two anonymous complaints that Councillor Ron Tindall had failed to comply with the Code of Conduct for Councillors adopted by Dacorum Borough Council.

In particular, it was alleged that Councillor Tindall:

- (a) failed to treat the complainants with respect contrary to paragraph 1.1 of the Code of Conduct;
  - (b) constituted harassment in respect of the allegation in Complaint 2 contrary to paragraph 2.2 of the Code of Conduct;
  - (c) failed to promote equalities as required by paragraph 2.3 of the Code of Conduct;
- and that Councillor Tindall's actions and behaviours:
- (d) had the potential to bring the Council into disrepute  
contrary to paragraph 5.1 of the Code of Conduct.

### **Hearing process**

The Chairman asked all parties present to introduce themselves and explained the process for the hearing. The Chairman explained that at the end of the presentation of the complainants' cases there would be an opportunity for the Committee to ask the complainants any points of clarification resulting from the presented evidence. If this was required, the complainants would be given an opportunity to answer any questions in writing as they were present in the Forum.

The Chairman also announced that the complainants would be watching the proceedings from a Teams link in the Forum.

The Chairman asked if there were any declarations of interest.

The following declarations were made:

**Councillor Gale:** I have a declaration of interest, Councillor Tindall was the Leader of the Council and the leader of my group as a councillor.

**Councillor Freedman:** Councillor Tindall is known to me, we worked together for several years, similarly the anonymous complainants are also known to me as well.

**Councillor Anderson:** I have known Councillor Tindall since he first joined the council, at all times in this case I have maintained an open mind in respect to both parties

**Councillor McArevey:** I have also known Councillor Tindall for approximately 16 years both professionally and in a personal capacity, we have worked together for a number of domestic abuse organisations in that time, he has reported to me professionally and I have reported to him professionally in the various roles we have had. I also know the two complainants and there has been several occasions where the complainants have contacted me in relation to these incidents, which I have shared with Mark Brookes, however despite these relationships I keep an open mind for this hearing.

The Committee agreed to move into Part II for the reasons set out in the agenda report.

### **The Hearing**

The Committee followed the Standards Sub-Committee Hearing Procedure as set out in Appendix 3 of the Complaints Procedure.

The allegations contained in the Investigation Report were particularised as complaint 1 and complaint 2 and considered separately by the Committee.

Councillor Tindall provided a brief outline of his position.

The Investigation Officer presented the Investigation Report. No witnesses were called. Councillor Tindall and Committee members asked questions of the Investigating Officer and responses were given.

The Committee did not have any points of clarification that they wished to ask the complainants directly.

Councillor Tindall presented his response. The Investigating Officer and Committee members asked questions of Councillor Tindall and responses were given.

There was a short adjournment in the proceedings.

The Investigating Officer made a concluding statement to sum up the complaint and her investigation.

Councillor Tindall made a concluding statement to sum up the complaint and his response.

### **Committee Decision**

#### **Reasons**

1. These are abridged reasons for the decision. Full reasons for the decision will be supplied to the parties.
2. The complaints were considered separately. The pronoun “they” is used when referring to each of the anonymous complainants.
3. The Committee is not a court of law but is bound by the same principles of natural justice as any court – the right to be heard, including the right of an accused to know the case made against them, and the rule against bias.
4. Regarding the right to be heard, a person accused must know the case made against them. They must know what evidence has been given and what statements have been made affecting them and must be given a fair opportunity to correct or contradict them. It follows that anyone who has to adjudicate must not receive evidence or argument from one side behind the back of the other. (paraphrased, per

Lord Denning in *Kanda v Malaya* [1962] AC 322 (1962).)

5. With regard to the rule against bias, the Committee was aware of the inevitable connection that existed between its voting members and Councillor Tindall, as former leader, and leader of the Liberal Democrat Group in the Council, and also aware of any potential conflict which could arise to the extent that they knew the anonymous complainants. As the Committee is carrying out an internal function it is inevitable that the parties will be known to the Committee. The Committee ensured that it weighed the evidence fairly and the voting members were assisted by the independent member Mike Browne, whose help and advice was considered carefully during the course of the Committee's deliberations.
6. The Committee considered the report prepared by Mark Brookes, which introduced the report by the independent Investigating Officer, Olwen Brown, for which the Committee is grateful. The Committee was not bound by the conclusions therein.
7. Mrs Brown's single report deals with both complaints together. Mrs Brown prepared her report by interviewing the complainants and Councillor Tindall each in separate zoom meetings at the end of May 2024. Mrs Brown said that she went through the complaints with Councillor Tindall on 31 May 2024, after having interviewed the complainants each individually. The transcripts of those meetings were not provided, even in redacted form, because of the difficulty in redacting them such that the anonymity of the complainants could be preserved. Mrs Brown helped the Committee by referring to her notes, and communications by text and email which she had received from the complainants. The Committee is grateful to Mrs Brown for her assistance.

8. The Complainants did not attend, in order to preserve their anonymity, and the Committee considered the evidence of Mrs Brown as a hearsay record of the complainants' evidence.

9. The Committee was aware that the burden of proof was on the complainants to satisfy the Committee, on the balance of probabilities, that the complaints were made out.

**Complaint 1**

10. This was undated but received on 28<sup>th</sup> April 2024.

11. In relation to Complaint 1, the Committee does not find that that there has been any breach of the Code of Conduct. The Complaint is insufficiently particularised or evidenced for either:

Councillor Tindall fairly to be able to respond to the Complaint, or

The Committee to adjudicate as to whether what has been alleged is a breach of the Code.

12. Complaint 1 is dismissed

**Complaint 2**

13. The Complaint (again undated) was received on 29<sup>th</sup> April 2024.

14. The Committee is not satisfied, on the balance of probabilities, that the alleged factual allegations occurred. Full reasons for the finding have been supplied to the Parties.

15. With regard to the specific allegation set out at paragraph 5.6.6 of the confidential report of the Investigating Officer, as modified to reflect the facts agreed at the hearing, the Committee was not satisfied that the facts amount to a breach of the Code of Conduct.

16. Accordingly, Complaint 2 was dismissed.

**For and on behalf of the Standards Sub-Committee**

**Councillor Jonathan Gale (Chair)**

**18<sup>th</sup> September 2024**