

Standards Sub-Committee
29 September 2020

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the STANDARDS SUB-COMMITTEE held on Tuesday 29 September 2020 at 7.00 pm via a Zoom meeting.

PRESENT: Councillors T. Kingsbury (Chairman)

A. Chesterman, P. Zukowskyj and
Parish Councillor B. Morris

OFFICIALS PRESENT: Head of Law and Administration and Monitoring Officer (M. Martinus)
Governance Services Officer (G. Paddan)

ALSO PRESENT: Subject Member of the complaint: Councillor L. Brandon
Independent Person: Mr I Jobson
Investigator: Ms O Brown

Witnesses: Councillors J. Broach, C Juggins, K. Thorpe, P Hebden
Mr J. Fitzpatrick, Mr P. Knott, Mr J. Nelson, Ms A Gaughan,
Mr M. Williams (Saunders Architects) and Mr P Lowe (Organiser of
Hatfield's Men's Shed)

1. APPOINTMENT OF CHAIRMAN

It was agreed that Councillor Tony Kingsbury should be appointed as Chairman for the meeting.

2. INTRODUCTION OF SUB COMMITTEE PANEL MEMBERS AND OTHER ATTENDEES

The Chairman, Councillor Tony Kingsbury introduced the Sub-Committee Panel Members as, Councillors Paul Zukowskyj, Alan Chesterman and Parish Councillor Bill Morris. Councillor Morris, as a co-opted Member, did not have voting rights.

3. DECLARATIONS OF INTERESTS BY MEMBERS

None declared.

4. CHAIRMAN'S ANNOUNCEMENT - INFORMATION ABOUT THE COMMITTEE

The Chairman announced that the Sub-Committee consisted of three elected Members of the Welwyn Hatfield Borough Council's Standards Committee and a Parish/Town Councillor.

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The meeting had been called to consider the complaint made in respect of a Councillor of Hatfield Town Council, Councillor Lenny Brandon. As this matter related to a Town Council, the Parish/Town Councillor who has been co-opted onto the Council's Standards Committee has been invited and will be present at the hearing but will not have voting rights.

Members were advised that the meeting would be held in two parts; part one being held in the public session and the Sub-Committee would be asked to resolve to move into an exempt session, this session will not be accessible by the public or press, as exempt and confidential information will be discussed. The Sub-Committee will resolve to move into the public session for the Sub-Committee's decision to be announced.

5. THE HEARING OF A COMPLAINT

The Monitoring Officer advised the Sub-Committee that in August and September 2019, complaints had been lodged in respect of Councillor Lenny Brandon, a Hatfield Town Councillor. Councillor Brandon is the current Leader of the Town Council, being elected from within its majority party. Councillor Brandon is also a Councillor of Welwyn Hatfield Borough Council but these complaints do not relate to him in that capacity. A summary of the allegations was set out in the report and Panel Members will have had the opportunity to read the papers in advance.

The Panel was advised that it was the role of this Sub-Committee to consider all the evidence put forward; these were only allegations at this stage and a decision would be made on a balance of probabilities.

The report noted that the Monitoring Officer had consulted with an Independent Person, Mr Ian Jobson who was appointed by Welwyn Hatfield Borough Council. The view of the Independent Person must be sought and taken into account, when making any substantial decisions or referrals under the complaints process before reporting back to the Town Council.

The role of the investigator was explained by the Monitoring Officer. The investigator, Ms Olwen Brown of Anthony Collins Solicitors LLP was appointed by the Council to investigate the complaint in accordance with the Borough Council's procedures.

The Standards Sub-Committee considered the complaint against the adopted Hatfield Town Council Code of Conduct for Councillors (the Code) found at Annex B of the public part of this report and must decide after hearing all the representations made, whether there has been a breach of the Code by the Member.

The content of the complaints contained substantial sensitive personal information and therefore it was proposed that the main part of this hearing would be considered in an exempt session, in order that the Standards Sub-Committee could fully consider the material submitted by the parties. The details

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of the sensitive personal information were dealt with in a separate exempt report for consideration by the Standards Sub-Committee. The allegations related to two issues. The first set of allegations centred on the alleged conduct by the Member of bullying a senior employee of the Town Council. The second set of allegations centred around an alleged failure by the Member to declare relevant interests, excluding council staff from meetings with contractors or potential contractors and obtaining a personal benefit from a number of Council contracts.

6. EXCLUSION OF PRESS AND PUBLIC

The Panel agreed to the exclude the press and public under Section 100(A)(2) and (4) of the Local Government Act 1972, the press and public be now excluded from the meeting for Item 7 on the grounds that it involves the likely disclosure of confidential or exempt information as defined in Section 100(A)(3) and Paragraph 3 (private financial or business information) and Paragraph 5 (legal and professional privilege) of Part 1 of Schedule 12A of the said Act (as amended).

In resolving to exclude the public in respect of the exempt information, it was considered that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

7. THE HEARING OF THE COMPLAINT

8. RETIREMENT OF THE SUB-COMMITTEE TO DELIBERATE ON THE MATTER

9. RESOLUTION OF SUB-COMMITTEE TO MOVE BACK INTO PART 1 PUBLIC SESSION

10. CHAIRMAN'S ANNOUNCEMENT OF THE SUB COMMITTEE'S DECISION AND RECOMMENDATION

The Sub-Committee having heard all the evidence and deliberated to consider the matter, on a balance of probabilities, agreed with the findings of the Investigator.

In respect of the first set of allegations centred around alleged conduct by Councillor Brandon of bullying the Town Clerk, the Sub-Committee found that Councillor Brandon did breach the Hatfield Town Council Code of Conduct for Councillors. This was on the basis that Councillor Brandon, as evidenced by a number of examples, did not behave respectfully toward the Town Clerk and acted in a way that could be regarded as bullying or intimidatory towards the Town Clerk.

In respect of the second set of allegations centred around an alleged failure by Councillor Brandon to declare relevant interests, excluding council staff from meetings with contractors or potential contractors and obtaining a personal benefit from a number of council contracts, the Sub-Committee agreed with the Investigator's findings and on the evidence heard, that Councillor Brandon had

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not breached the Hatfield Town Council Code of Conduct for Councillors on this basis. Accordingly, no further action will be taken on this part of the complaint.

Reasons for the Sub-Committee's Decision

The Sub-Committee on the 29th September 2020 met to hear representations both from the investigator and Councillor Brandon. Councillor Brandon called a number of witnesses in support of his case and the Sub-Committee carefully listened to all the evidence at the hearing.

On the bullying allegations, the Sub-Committee were of the view that Councillor Brandon was clearly a person whose motives were well meaning. He was clearly passionate about his role as a councillor and wanted to do the best he could for Hatfield.

However, on taking up his role as Leader at Hatfield Town Council, he failed to obtain the necessary training and induction to fulfil that role in the correct manner.

The Sub-Committee was particularly concerned about the 'hands on' role that Councillor Brandon took on at the Town Council, in breach of its standing orders and financial regulations. His lack of appreciation of the public sector processes and value of appropriate training could have been reasons for that.

This led to a 'micro-management' style of the Town Clerk and other members of her staff that could be seen to be undermining. Whilst Councillor Brandon may have been of the view that Town Clerk was performing poorly, there are established standards of performance management that clearly had not been considered or implemented in the time he has been Leader of the Town Council.

On the second set of allegations, the Sub-Committee considered the investigator's report and heard further evidence from Councillor Brandon. On this basis, they agreed that there was no case to answer and no breach of the Code.

The Chairman then invited the Investigator, Independent Person and Councillor Brandon to address the Sub-Committee on appropriate sanctions.

The Standards Sub-Committee then further resolved to exclude the press and public under the following terms:

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In respect of the second set of allegations centred around an alleged failure by Councillor Brandon to declare relevant interests, excluding council staff from meetings with contractors or potential contractors and obtaining a personal benefit from a number of council contracts, the Sub-Committee agreed with the Investigator's findings and on the evidence heard, that Councillor Brandon had not breached the Hatfield Town Council Code of Conduct for Councillors on this basis. Accordingly, no further action will be taken on this part of the complaint.

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“That under Section 100A(4) of the Local Government Act 1972 (as amended) and having applied a public interest test as defined in Part 2 of Schedule 12A of the Act, the press and public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A to the Act.”

10.1. The Panel retired to consider the final recommendation

10.2. The Sub-Committee's agreed recommendations

RESOLVED:
(Unanimously)

The Standards Sub-Committee resolved to:-

- (a) publish its findings in respect of Councillor Brandon’s conduct;
- (b) report its findings to Hatfield Town Council;
- (c) recommend to Hatfield Town Council that appropriate training be arranged for Councillor Lenny Brandon to include appropriate training as recommended by the Hertfordshire Association of Parish and Town Councils and Society of Local Council Clerks;
- (d) recommend to Hatfield Town Council to conduct a ‘root and branch’ review of its training for all councillors, to include performance management training, with a view to promoting high standards of conduct amongst all its councillors;
- (e) authorise the Monitoring Officer, as soon as is reasonably practicable, to issue a full written decision to Councillor Brandon, the Complainant and Hatfield Town Council together with the Sub-Committee’s reasons for its decision.

Meeting ended at 11.46 pm
GP