



# Doncaster Council

## Agenda

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To all Members of the

# AUDIT HEARINGS SUB-COMMITTEE

Notice is given that a Meeting of the above Committee is to be held as follows:

**Venue:** Council Chamber - Civic Office, Waterdale, Doncaster, DN1 3BU

**Date:** Tuesday, 22nd January, 2019

**Time:** 2.00 pm.

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<b>Items for Discussion:</b>	<b>Page Number</b>
1. Appointment of Chair for the meeting.	
2. Apologies for Absence.	
3. Declarations of Interest, if any.	
4. To consider the extent, if any, to which the public and press are to be excluded from the meeting.	
<b>A. Items where the Public and Press may not be excluded.</b>	
5. Consideration of the Investigating Officer's Report regarding complaints against Councillors Jessie Credland, Michael Glynn and William Morrison of Hatfield Town Council (Case Ref. PC5 2018/19).	1 - 36

**Jo Miller**  
**Chief Executive**

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Issued on: Monday 14<sup>th</sup> January 2019

**Governance Services Officer for this meeting**

Jonathan Goodrum  
01302 736709

**Doncaster Metropolitan Borough Council**

[www.doncaster.gov.uk](http://www.doncaster.gov.uk)

**Members of the Audit Hearings Sub-Committee**

Councillors Iris Beech, Richard A Jones and Austen White

Co-opted Members (Non-Voting)

Monica Clarke and Dave Harle



## Doncaster Council

### Report

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22<sup>nd</sup> January, 2019

#### To the Chair and Members of the AUDIT HEARINGS SUB-COMMITTEE

#### CONSIDERATION OF THE INVESTIGATING OFFICER'S REPORT REGARDING COMPLAINTS AGAINST COUNCILLORS JESSIE CREDLAND, MICHAEL GLYNN AND WILLIAM MORRISON OF HATFIELD TOWN COUNCIL (CASE REF. PC5 2018/19)

#### EXECUTIVE SUMMARY

1. On 30<sup>th</sup> November 2018 Helen Potts (Investigating Officer) presented to the Council's Monitoring Officer, her report relating to allegations in respect of Councillors Jessie Credland, Michael Glynn and William Morrison of Hatfield Town Council, that they had breached the Hatfield Town Council's Member Code of Conduct. The Monitoring Officer in consultation with the Council's Independent Person has determined that the allegations should be referred to the Hearings Sub-Committee.

#### RECOMMENDATION

2. The Sub-Committee is requested to consider the report of the Investigating Officer, attached as **Appendix D** and having regard to the comments made at the Hearing, determine if Councillors Jessie Credland, Michael Glynn and William Morrison have breached the Code of Conduct adopted by Hatfield Town Council and agree the appropriate course of action in accordance with the Council's complaint handling procedure.

#### WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

3. Having robust ethical governance policies and procedures in place, including mechanisms to deal with complaints of alleged Member misconduct, helps to strengthen public confidence in local governance through maintaining high standards of conduct by Members.

#### BACKGROUND

4. A complaint was received by the Monitoring Officer on 20<sup>th</sup> June 2018 against Councillors Jessie Credland, Michael Glynn and William Morrison of Hatfield Town Council:-
  - 4.1 The complaint, submitted by Mrs Clare McRoy, Clerk to Hatfield Town Council, alleged that the three Councillors had handed her a letter dated 11<sup>th</sup> June

2018 dismissing her from her post as Clerk. The complaint alleged that the three Councillors had no authority to issue the letter and did so without the knowledge of the rest of the Councillors or any proper processes being followed.

4.2 It was also alleged that Councillor Morrison had passed on an email without authority or permission to another Councillor that Mrs McRoy had sent to him marked 'confidential'.

5. Having considered the complaint in consultation with the Council's Independent Person (Mr Philip Beavers), the Monitoring Officer decided that, given the serious nature of the allegations, this matter should be the subject of a formal investigation under Section 28 of the Localism Act 2011. The Monitoring Officer subsequently appointed Helen Potts (Principal Legal Officer, Doncaster Council) to undertake the investigation on his behalf.
6. Following receipt of the Investigating Officer's Report, in line with the Council's complaint handling procedure, the Monitoring Officer consulted with the Independent Person on the findings of the Investigation and decided to refer this matter to a meeting of the Council's Hearings Sub-Committee.
7. In accordance with the Council's procedure for hearing complaints, the Sub-Committee, upon receiving the report from the Investigating Officer and considering all the information, is asked to decide whether there has been a breach of the Hatfield Town Council Code of Conduct. If so, the Sub-Committee is asked to consider recommending any appropriate sanctions against Councillors Credland, Glynn and Morrison to the Hatfield Town Council.
8. The following documents are attached to this report to assist the Sub-Committee in its deliberations:-  
  
Appendix A - DMBC Hearings Procedure;  
Appendix B - Member Code of Conduct - Hatfield Town Council;  
Appendix C - Complaint form submitted by Mrs Clare McRoy;  
Appendix D - Investigating Officer's Report

## **OPTIONS CONSIDERED AND REASON FOR RECOMMENDED OPTION**

9. As set out in the Hearings Procedure, if the Sub-Committee decides that the Member has **not** breached the Code of Conduct, the Sub-Committee can consider whether it should nevertheless make any recommendations to the Town Council as appropriate.
10. If the Sub-Committee decides that the Member **has** breached the Code of Conduct, where the Member is a Parish or Town Councillor, the Sub-Committee can only make recommendations to the Parish or Town Council as to the action it feels appropriate. This can include recommending any of the following possible sanctions against the Member concerned:-
  - (1) Censuring or reprimanding the Councillor;
  - (2) Publishing its findings in respect of the Councillor's conduct;
  - (3) Reporting its findings to the Parish/Town Council if appropriate for information;

- (4) Recommending to the Councillor's Group Leader (or in the case of ungrouped Councillors, recommending to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- (5) Recommending that the Parish/Town Council arrange training for the Councillor;
- (6) Recommending to the Parish/Town Council that it removes the Councillor from all outside appointments to which he/she has been appointed or nominated by the Council;
- (7) Recommending to the Parish/Town Council that it withdraws facilities provided to the Councillor by the Council, such as a computer, website and/or email and Internet access; or
- (8) Recommending that the Parish/Town Council exclude the Councillor from the Council's offices or other premises for a defined period of time, with the exception of meeting rooms as necessary for attending meetings of the Authority of which they are a member.

The Hearings Sub-Committee has no power to suspend or disqualify the Councillor or to withdraw Members' Allowances (including Special Responsibility Allowances).

## IMPACT ON THE COUNCIL'S KEY OUTCOMES

11.

Outcome	Implications
Connected Council: <ul style="list-style-type: none"> <li>• Working with our partners and residents to provide effective leadership and governance</li> </ul>	The Audit Committee and its Hearings Sub-Committee have responsibility for overseeing the Council's ethical governance activities. This includes promoting and maintaining high standards of conduct by Borough and Parish Councillors and Officers.

## RISKS AND ASSUMPTIONS

12. There are no identified risks associated with this report.

## LEGAL IMPLICATIONS [Officer Initials NC Date 10/1/2019]

13. Section 27(1) of the Localism Act 2011 places a duty on relevant authorities to promote and maintain high standards of conduct by Members and Co-opted Members of the authority.
14. Section 28 of the Localism Act 2011 requires Principal Authorities to have in place arrangements for investigating allegations of Member misconduct and taking decisions on those allegations. It also requires Councils to appoint at least one Independent Person who is to be consulted as part of the complaint handling process. Doncaster Council's ethical governance functions, including dealing with complaints of alleged Member misconduct referred to the Monitoring Officer under Section 28(6) of the Localism Act 2011, are carried out by the Audit Committee and its Hearings Sub-Committee.

**FINANCIAL IMPLICATIONS** [VJB Date 10/01/2019]

15. There are no specific financial implications arising from this report.

**HUMAN RESOURCES IMPLICATIONS** [Officer Initials AG Date 7/1/19]

16. There are no human resources implications associated with this report.

**TECHNOLOGY IMPLICATIONS** [Officer Initials PW Date 08/01/19 ]

17. There are no technology implications associated with this report.

**HEALTH IMPLICATIONS** [Officer Initials RS Date 7/1/2019]

18. There are no direct health implications arising from this report.

**EQUALITY IMPLICATIONS** [Officer Initials JG Date 4/1/19]

19. There are no specific equalities implications associated with this report.

**BACKGROUND PAPERS**

DMBC Complaint handling and Hearings procedures  
Complaints File (exempt).

**REPORT AUTHOR**

Jonathan Goodrum, Senior Governance Officer  
01302 736709  
[jonathan.goodrum@doncaster.gov.uk](mailto:jonathan.goodrum@doncaster.gov.uk)

**Scott Fawcus**  
**Monitoring Officer**

**Doncaster Metropolitan Borough Council**

**Audit Committee -  
Hearings Sub-Committee**

**Hearings Procedure**

**1. Interpretation**

- (a) 'Member' means the Member of the authority who is the subject of the allegation being considered by the Sub-Committee, unless stated otherwise. It also includes the Member's nominated representative.
- (b) 'Investigator' means the person appointed by the Monitoring Officer to undertake that investigation (which may include the Monitoring Officer, and his or her nominated representative).
- (c) 'The Matter' is the subject matter of the Investigator's report.
- (d) 'The Sub-Committee' refers to the Audit Committee's Hearings Sub-Committee.
- (e) 'The Committee Clerk' means an officer of the authority responsible for supporting the Sub-Committee's discharge of its function and recording the decisions of the Sub-Committee.
- (f) 'Legal Advisor' means the officer responsible for providing legal advice to the Sub-Committee. This may be the Monitoring Officer, another legally qualified officer of the authority, or someone appointed for this purpose from outside the authority.
- (g) 'The Chair' refers to the person presiding at the hearing.
- (h) The 'Independent Person' means the person appointed under the Localism Act 2011 to assist the Monitoring Officer in dealing with complaints against Members.

**2. Modification of Procedure**

The Chair may agree to vary this procedure in any particular instance where he/she is of the opinion that such a variation is necessary in the interests of fairness.

**3. Representation**

The Member may be represented or accompanied during the meeting by a solicitor, counsel, or, with the permission of the Sub-Committee, another person.

#### 4. **Legal Advice**

The Sub-Committee may take legal advice from its Legal Advisor at any time during the hearing or while they are considering the outcome.

#### 5. **Setting the Scene**

At the start of the hearing, the Chair shall introduce each of the members of the Sub-Committee, the Member (if present), the Complainant(s) (if present) the Investigator (if present) the Independent Person (if present) and any other officers present, and shall then explain the procedure which the Sub-Committee will follow in the conduct of the hearing.

#### 6. **Preliminary Procedural Issues**

The Sub-Committee shall then deal with the following preliminary procedural matters in the following order: -

(a) Disclosures of Interests

The Chair shall ask members of the Sub-Committee to disclose the existence and nature of any interests which they have in the matter, and to withdraw from consideration of the matter if so required.

(b) Quorum

The Chair shall confirm that the Sub-Committee is quorate (minimum of 3 voting Members must be present throughout the hearing to form a quorum).

(c) Hearing Procedure

The Chair shall confirm that all present know the procedure which the Sub-Committee will follow in determining the matter.

(d) Proceeding in the absence of the Member

In the event that the Member is not present at the start of the hearing, the Sub-Committee shall consider the matter and make a determination in their absence, unless the Monitoring Officer and Chair are satisfied that the Member has provided sound and valid reasons for their absence, in which case the Sub-Committee shall have the option of adjourning the hearing to another date.

(e) Exclusion of Press and Public

The press and public may be excluded in accordance with Schedule 12A of the Local Government Act 1972 (as amended) whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be discussed.

(f) Adjournment of Hearing

Where the Sub-Committee in the course of and prior to the conclusion of the hearing feels it needs additional evidence in order to come to determination of the matter, the Sub-Committee may adjourn the matter and request the Monitoring Officer to provide such further information or undertake further investigation. The Sub-Committee shall adjourn only once on this basis on any one matter.

**The Complaint and Investigator's Findings**

7. After dealing with any preliminary issues, the Chair shall invite the Investigator to present their report, including any documentary evidence or other material, and, with the Sub-Committee's permission, to call any supporting witnesses they require. This report and documentary evidence must be based on the complaint made to the Council – no new points will be allowed.
8. The Sub-Committee may give the Member an opportunity to question the Investigator on the content of their report or any witness called by the Investigator about the evidence they have provided.

[NOTE: This is the Member's opportunity to ask questions arising from the Investigator's Report only and not to make a statement.]

9. Members of the Sub-Committee may question the Investigator on the content of their report and comments made to the Sub-Committee as well as any witnesses present.

**The Member's Case**

10. The Member or their representative may present their case and, with the Sub-Committee's permission, call any necessary witnesses in support.

[NOTE: Only evidence related to the information in the Investigator's Report will be allowed, not new evidence or issues.]

11. The Investigator may question the Member or witnesses.
12. Members of the Sub-Committee may question the Member or witnesses.

**Summing Up**

13. The Investigator may sum up the complaint.
14. The Member or their representative may sum up their case.

**The Decision**

15. All parties (with the exception of the Independent Person, the Legal Advisor/Monitoring Officer and the Committee Clerk) will be asked to leave the room while the Sub-Committee considers the representations and evidence in consultation with the Independent Person.

16. If the Sub-Committee decides that the Member **has not** failed to follow the Code of Conduct, the Sub-Committee can move on to consider whether it should make any recommendations to the Parish/Town/Borough Council or relevant Group Leader as appropriate.
17. If the Sub-Committee decides that the Member **has** failed to follow the Code of Conduct, it will decide:
  - whether or not to impose (or recommend) a sanction; and if so
  - what form any sanction should take; and
  - Whether any recommendations should be made to the Parish/Town/Borough Council as applicable with a view to promoting high standards of conduct amongst Councillors.

A list of possible sanctions is attached at **Annex 1**.

[NOTE: Where the Member is a Parish or Town Councillor, the Sub-Committee can only make recommendations to the Parish or Town Council as to the action it feels appropriate.]

18. The Sub-Committee may, at any time, question the Investigator, Complainant and Member, and take legal advice, to make sure they have the information they need in order to make an informed decision. If it so wishes, the Sub-Committee may also invite the relevant parties to make any verbal representations as to imposing/recommending appropriate sanctions and what form these should take.
19. All parties will then be re-admitted into the room and the Chair will announce the Sub-Committee's decision and give reasons for its decision.
20. The close of the Hearing and Written Decision:
  - (a) The Sub-Committee will orally announce its decision on the day of the hearing together with a brief statement of its reasons.
  - (b) The Chair will thank all those present who have contributed to the conduct of the hearing and formally close the hearing.
  - (c) Formal notification of the decision, including reasons, will be communicated to all parties including the Member, the Complainant(s) and the Parish Clerk (where applicable) within 7 working days of the conclusion of the Hearing. Minutes of the hearing will be subsequently published on the Council's website and submitted to the next available meeting of the Audit Committee for information.

## **Appeals**

21. There is no right of appeal for the Complainant or for the Member against a decision of the Sub-Committee.
22. If the Complainant or Member feels that the Council has failed to deal with the complaint properly and that this failure has caused injustice, they can make a complaint to the Local Government Ombudsman.

In the event of a finding of a breach of the Code, the Sub-Committee will have the option of imposing (or recommending) a sanction against the Member concerned. This can include:-

- (1) Censuring or reprimanding the Councillor;
- (2) Publishing its findings in respect of the Councillor's conduct;
- (3) Reporting its findings to Council [or to the respective Parish/Town Council if appropriate], for information;
- (4) Recommending to the Councillor's Group Leader (or in the case of un-grouped Councillors, recommending to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- (5) Recommending to the Elected Mayor that the Councillor be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- (6) Instructing the Monitoring Officer to *[or recommending that the Parish/Town Council]* arrange training for the Councillor;
- (7) Removing *[or recommending to the Parish/Town Council that it removes]* the Councillor from all outside appointments to which he/she has been appointed or nominated by the Council *[or by the Parish/Town Council]*;
- (8) Withdrawing *[or recommending to the Parish/Town Council that it withdraws]* facilities provided to the Councillor by the Council, such as a computer, website and/or email and Internet access; or
- (9) Excluding *[or recommending that the Parish Council exclude]* the Councillor from the Council's offices or other premises for a defined period of time, with the exception of meeting rooms as necessary for attending meetings of the Authority of which they are a member.

The Hearings Sub-Committee has no power to suspend or disqualify the Councillor or to withdraw Members' Allowances (including Special Responsibility Allowances).

# HATFIELD TOWN COUNCIL



## Code of Conduct for Parish Councillors

### Introduction

Pursuant to section 27 of the Localism Act 2011, Hatfield Town Council ('the Council') has adopted this Code of Conduct to promote and maintain high standards of behaviour by its members and co-opted members whenever they conduct the business of the Council, including the business of the office to which they were elected or appointed, or when they claim to act or give the impression of acting as a representative of the Council.

This Code of Conduct is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.

### Definitions

For the purposes of this Code, a 'co-opted member' is a person who is not a member of the Council but who is either a member of any committee or sub-committee of the Council, or a member of, and represents the Council on any joint committee or joint sub-committee of the Council, 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, a 'meeting' is a meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.

For the purposes of this Code, and unless otherwise expressed, a reference to a member of the Council includes a co-opted member of the Council.

### Member obligations

When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he/she has the following obligations:-

1. He/she shall behave in such a way that a reasonable person would regard as respectful.
2. He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.
3. He/she shall not seek to improperly confer an advantage or disadvantage on any person.
4. He/she shall use the resources of the Council in accordance with its requirements.
5. He/she shall not disclose information which is confidential or where disclosure is prohibited by law.

### ***Registration of interests***

6. Within 28 days of this Code being adopted by the Council, or the member's election or the co-opted member's appointment (where that is later), he/she shall register with the Monitoring Officer the interests which fall within the categories set out in Appendices A and B.
7. Upon the re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register with the Monitoring Officer any interests in Appendices A and B.
8. A member shall register with the Monitoring Officer any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.
9. A member need only declare the existence but not the details of any interest which the Monitoring Officer agrees is a 'sensitive interest'. A sensitive interest is one which, if disclosed on a public register, could lead the member or a person connected with the member to be subject to violence or intimidation.

### ***Declaration of interests at meetings***

10. Where a matter arises at a meeting which relates to an interest in Appendix A the member shall not participate in a discussion or vote on the matter. He/she only has to declare what his/her interest is if it is not already entered in the member's register of interests or if he/she has not notified the Monitoring Officer of it.
11. Where a matter arises at a meeting which relates to an interest in Appendix A which is a sensitive interest, the member shall not participate in a discussion or vote on the matter. If it is a sensitive interest which has not already been disclosed to the Monitoring Officer, the member shall disclose he/she has an interest but not the nature of it.
12. Where a matter arises at a meeting which relates to an interest in Appendix B, the member shall not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting.
13. A member only has to declare his/her interest in Appendix B if it is not already entered in his/her register of interests or he/she has not notified the Monitoring Officer of it or if he/she speaks on the matter. If he/she holds an interest in Appendix B which is a sensitive interest not already disclosed to the Monitoring Officer, he/she shall declare the interest but not the nature of the interest.
14. Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest in Appendix A), the member shall disclose the nature of the interest and not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting. If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.

## **Dispensations**

15. On a written request made to the Council's proper officer, the Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if he/she has an interest in Appendices A and B if the Council believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or it is in the interests of the inhabitants in the Council's area to allow the member to take part or it is otherwise appropriate to grant a dispensation.

July 2012

## Appendix A

Interests defined by regulations made under section 30(3) of the Localism Act 2011 and described in the table below.

<b>Subject</b>	<b>Description</b>
Employment, office, trade, profession or vocation	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 Council) made to the member during the 12 month period ending on the latest date referred to in paragraph 6 above for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the member or between his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a body in which such a person is a partner in a firm, a director of an incorporated body or holds the beneficial interest in securities*) and the Council — (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 Council.
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 the member's knowledge)— (a) the landlord is the Council; and (b) the tenant is a body in which the member, or his/her spouse or civil partner/ the person with whom the member is living as if they were spouses/civil partners has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to the member's knowledge) has a place of business or land in the area of the Council; and (b) either—  (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.

\* Securities mean 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.

## **Appendix B**

An interest which relates to or is likely to affect:

- (i) any body of which the member is in a position of general control or management and to which he/she is appointed or nominated by the Council;
- (ii) any body—
  - (a) exercising functions of a public nature;
  - (b) directed to charitable purposes; or
  - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)of which the member of the Council is a member or in a position of general control or management;
- (iii) any gifts or hospitality worth more than an estimated value of £25 which the member has received by virtue of his or her office.

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# DONCASTER METROPOLITAN BOROUGH COUNCIL

## COMPLAINT FORM – ALLEGATION OF A BREACH OF THE MEMBER’S CODE OF CONDUCT

Are you using the correct form?

This form should only be used for complaints which involve an alleged breach of the Code of Conduct for Members (i.e. misconduct by Parish Councillors or Borough Councillors). Please see guidance attached at Appendix 1 to assist you in deciding whether this is the correct form to use when making your complaint.

You can access the Council’s Code of Conduct for Members by visiting the Council’s website [www.doncaster.gov.uk](http://www.doncaster.gov.uk).

Further information can be found in our guidance for complainants which sets out the procedure that will be followed in handling a complaint, which can be viewed at <http://new.doncaster.gov.uk/services/the-council-democracy/how-to-complain-about-a-councillor> by accessing: ‘Complaint Handling Procedure’.

Please send the completed form together with any supporting documents to:

The Monitoring Officer  
Civic Office  
Waterdale  
Doncaster  
DN1 3BU

Email: [TheMonitoringOfficer@doncaster.gov.uk](mailto:TheMonitoringOfficer@doncaster.gov.uk)

### 1. Please provide us with your name and contact details

<b>Title:</b>	Mrs
<b>First name:</b>	Clare
<b>Last name:</b>	McRoy
<b>Address:</b>	c/o Hatfield Town Council, Cuckoo Lane, Hatfield, Doncaster. DN7 6QE
<b>Daytime telephone:</b>	01302 840347
<b>Evening telephone:</b>	██████████
<b>Mobile telephone:</b>	████████████████████
<b>Email address:</b>	████████████████████

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.

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

In normal circumstances, we will tell the following people that you have made this complaint:

- the Member(s) you are complaining about
- the Independent Person (a person appointed under the Localism Act 2011 to assist the Monitoring Officer in dealing with complaints against Members)
- the Parish Clerk (if your complaint concerns a Parish Councillor)

We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it. If you have serious concerns about your name and/or details of your complaint being released, please complete section 7 of this form, in which case we will give consideration to the merits of protecting your identity. The Council does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

**2. Please tell us which complainant type best describes you:**

- Member of the public
- An elected or co-opted member of an authority
- Member of Parliament
- Local authority monitoring officer
- Local authority employee
- Other ( )

**3. Please provide us with the name of the Member(s) you believe has/have breached the Code of Conduct and the name of their authority:**

Title	First name	Last name	Council or authority name
Mr	Michael	Glynn	Hatfield Town Council
Mrs	Jessie	Credland	Hatfield Town Council
Mr	William	Morrison	Hatfield Town Council

**4. Please explain in this section (or on separate sheets) what the member has done that you believe breaches the Code of Conduct. If you are complaining about more than one member you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.**

It is important that you provide all the information you wish to have taken into account by the Monitoring Officer and the Independent Person in deciding whether to take any action on your complaint. For example:

- You should be specific, wherever possible, about exactly what you are alleging the Member said or did. For instance, instead of writing that the Member insulted you, you should state what it was they said. In the case of

complaints about statements made or alleged to have been made by a Member, the Monitoring Officer needs a minimum level of information about each of the statements complained of. This information consists of:

- 1) When the statement is alleged to have been made, published or broadcast;
  - 2) Where the statement is alleged to have been made, published or broadcast;
  - 3) If it was not published or broadcast, who the statement was made to and who is alleged to have heard it;
  - 4) The words used in the statement which are complained of, and if the exact words cannot be supplied by the complainant, the gist of those words;
  - 5) Why those words are considered by the complainant to be a cause for complaint.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
  - You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
  - You should provide any relevant background information or other relevant documentary evidence to support your allegation(s).
  - **If the alleged incident occurred more than 28 days ago, clearly explain why the complaint was not made during that period of time. Please note that if a period of 3 months or more has passed since the date of the alleged incident, complaints will not be considered by the Monitoring Officer, unless there are exceptional circumstances.**

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

Following recent difficulties with 2 of the above Members in particular, both in meetings and outside, this culminated in Councillors Glynn, Credland and Morrison handing me a letter dismissing me on Monday 11 June, despite having no authority to do so, and without any knowledge of the rest of the Councillors or any proper process being undertaken.

I am asking for your help with this, as I believe Member Obligations 1, 2 and 5 of the Hatfield Town Council Code of Conduct have been breached by all of the above Members.

## 5. Making your complaint

- The Monitoring Officer will acknowledge receipt of your complaint within five working days of receiving it.
- The Monitoring Officer will determine whether your complaint falls within the scope of the Members' Code of Conduct and, if so, will assess the complaint in consultation with the Independent Person. Having consulted with the Independent Person, the Monitoring Officer will take a decision as to whether the complaint merits formal investigation, or whether an alternative course of action (if any) should

be taken. The Monitoring Officer will aim to do this within 20 working days of receipt of your complaint and you will then be notified in writing of his decision.

- The Monitoring Officer (in consultation with the Independent Person) may decide:-
  - that no further action should be taken regarding the allegation.
  - to 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 Authority, such as training for the Member.
  - to forward the complaint to the relevant Group Leader/Political Group for informal resolution (or Parish/Town Council if applicable).
  - to arrange for an investigation to be undertaken in relation to the circumstances of the allegation that has been made, the findings of which will be referred to the Audit Committee's Hearings Sub-Committee for determination, where a breach of the Code is identified.
- Where your complaint relates to a Parish Councillor, the Monitoring Officer may also inform the Parish Council of your complaint and seek the views of the Parish Council before deciding whether the complaint merits formal investigation.
- If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies.
- The Monitoring Officer's decision will be communicated to the person(s) making the complaint, the Member who is the subject of the allegation and the Clerk of the Parish Council if the complaint is about the behaviour of a Parish Councillor.
- The types of behaviour covered by the Code of Conduct which you can complain about and those that are unlikely to be investigated further are set out at the end of this form.
- Any queries relating to how a complaint is being handled should be directed to the Monitoring Officer (see contact details on front page of this form).

## 6. Informal resolution

The Monitoring Officer will normally try to resolve your complaint informally, where practicable. To assist in this process, please give details of the remedy or outcome you are seeking or the action you think might provide a satisfactory resolution to your complaint.

I would just like to be able to find a way to move forward and work effectively as a whole Council. I am capable of acting appropriately and professionally whatever my personal feelings are towards a particular Member. I would just ask for the same in return from Members.

I would appreciate an apology from the Town Council for the extreme personal stress and distress this situation has caused and for certain members treating me appallingly as a direct result of me making a protected disclosure.

Also, I would suggest that if they have a question about something, why not just ask me- instead of assuming I have not done something and stating that in a meeting?

**Only complete this next section if you are requesting that your identity is kept confidential.**

7. In the interests of fairness and natural justice, we believe Members who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint. We are unlikely to withhold your identity or the details of your complaint unless you have good reason to believe that:

- Disclosure of your identity and information on the nature of the complaint could result in evidence being compromised or destroyed or
- Where there is a possibility of you or potential witnesses being intimidated by the Member concerned.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. In consultation with the Independent Person, the Monitoring Officer will consider the request alongside the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

## Additional Help

8. Complaints must be submitted in writing. However, in line with the requirements of the Equality Act 2010, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

We can also help if English is not your first language.

Alternative formats and languages can be made available upon request.

If you need any support in completing this form, please let us know as soon as possible.

Doncaster Metropolitan Borough Council

Case Reference: PC5 2018/19

## **Final Report of an Investigation**

**Councillors M. Glynn, J, Credland, W Morrison**

**Hatfield Town Council.**

Investigation under s29 of the Localism Act 2011,

Helen Potts, Principal Legal Officer at Doncaster Metropolitan Borough Council appointed by Scott Fawcus, Monitoring Officer for Doncaster Metropolitan Borough Council.

Date: 30<sup>th</sup> November 2018

## Contents

1. Executive summary and list of key individuals.
2. Councillors official details
3. The relevant legislation and code.
4. The evidence gathered and its consideration
5. Summary of material facts
6. Reasoning as to whether there has been failures to comply with the Code of Conduct
7. Additional Submissions
8. Finding

## Appendix A – List of Background Papers/Documentary Evidence

## 1. Executive Summary and List of Key Individuals

- 1.1. A Code of Conduct complaint was received by the Monitoring Officer on 20<sup>th</sup> June 2018 against Councillors Michael Glynn, Jessie Credland and William Morrison of Hatfield Town Council. The complaint was made by Mrs Clare McRoy the Clerk of Hatfield Town Council. The complainant detailed that the three councillors had handed her a letter dated 11<sup>th</sup> June 2018 dismissing her from her post as Clerk. The complaint alleged that the three Councillors had no authority to issue the letter and did so, without the knowledge of the rest of the Councillors, or any proper processes being undertaken. It is also alleged that Cllr Morrison had passed on an email without authority or permission to another councillor that Mrs Clare McRoy had sent him marked "confidential". The complainant considered these actions to breach obligations 1, 2 and 5 of the Hatfield Code of Conduct. The complainant has asked for an apology from the members involved.
- 1.2. I conclude as a result of the investigation that Councillors Glynn, Credland and Morrison did breach the code in that:
- 1.3 They have not behaved in such a way that a reasonable person would regard as respectful (Member Obligation 1)
- 1.4 They have acted in a way which a reasonable person would regard as bullying or intimidatory (Member Obligation 2)
- 1.5 I conclude that Cllr Morrison also breached the code by sending on the email in that:
- 1.6 He has disclosed information which is confidential (Member Obligation 5)
- 1.7 The key individuals in this case are;
  - Parish Councillor Michael Glynn
  - Parish Councillor Jessie Credland
  - Parish Councillor William Morrison
  - Mrs Clare McRoy, Clerk to the Council
- 1.8 The draft report was sent on 8<sup>th</sup> November 2018 to the Complainant and to the Councillors for their comments and their responses and any alterations are noted at section 7.

## **2. Councillor Official Details**

- 2.1. Councillor Credland is a long term Town Councillor serving between 1999 and 2011 and then from 2013 to date. Councillor Glynn has been a Town Councillor since May 2007. Councillor Morrison was elected from December 2013 to date.
- 2.2 All councillors received a formal short induction from a previous Town Clerk. They have since been offered other training and Councillor Morrison attended a 'local councils are employers too' training session in 2017 and will be undertaking 2 further sessions this Autumn - Developing Your Skills as a Councillor, and Chairmanship training.
- 2.3 All three councillors have given their written undertaking to observe the code of conduct each time they sign a declaration of acceptance of office, most recently in May 2015. All Councillors are provided with a copy of the Code of Conduct at that point; and Councillors were re-issued with them earlier this year as a result of a discussion with the previous Town Mayor and Deputy Mayor and the Code was discussed as an agenda item at full Council.
- 2.4 Councillor Glynn sits on the Policy and Resources, Burial and Recreation, Health and Safety and Personnel Committees, and on the Newsletter Working Group, Audit Working Group and Allotment Liaison Meeting. He also represents the Town Council on the following external bodies: Hatfield Woodhouse Bull Trust, Robert Forster's Charity.
- 2.5 Councillor Credland sits on the Policy and Resources Committee, and is a member of the Personnel Committee.
- 2.6 As current Town Mayor, Councillor Morrison sits on the Policy and Resources, Burial and Recreation, Health and Safety, Personnel and Planning Committees (i.e. all the Town Council Committees). He also sits on the Remembrance Working Group, Audit Working Group and Newsletter Working Group. He also sits on the external Town Twinning Committee, and represents the Town Council at events, and visits local organisations to present grant cheques throughout the Mayoral year.
- 2.7 The current term of office for all 3 councillors runs until May 2021. Councillor Morrison's term as Mayor ceases in May 2019.

### **3 The Relevant Legislation and Code.**

3.1 S27 of the Localism Act 2011 requires that an Authority adopt a Code of Conduct to promote and maintain high standards of conduct by its members. Under s28 the Principal Authority, Doncaster Borough Council must have arrangements for handling complaints regarding allegations of member misconduct.

3.2 Hatfield Town Council has adopted a Code of Conduct (see Appendix B of agenda pack) in which the following paragraphs are included:

#### Member obligations

3.3 When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he/she has the following obligations:

1. He/she shall behave in such a way that a reasonable person would regard as respectful.
2. He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.
3. He/she shall not seek to improperly confer an advantage or disadvantage on any person.
4. He/she shall use the resources of the Council in accordance with its requirements.
5. He/she shall not disclose information which is confidential or where disclosure is prohibited by law.

### **4. The Evidence Gathered and its consideration**

4.1 I was asked to investigate the complaints made against the three Councillors in July 2018. I have taken account of oral and documentary evidence from Clare McRoy, and Councillors Glyn, Credland and Morrison. I wish to record my thanks for the co-operation and courtesy shown to me by those whom I interviewed.

#### Background

4.2 The investigation focus is the authority by which the three councillors delivered a dismissal letter to the clerk on 11<sup>th</sup> June 2018 and whether this breached the Code of Conduct.

4.3 The history of tensions between the three councillors and clerk at Hatfield Town Council was detailed by both the complainant and the three Councillors. Although all parties spoke in some depth and provided documentation explaining this situation, the conduct of the clerk is not a matter that this report can consider as it does not relate to the duties under the Localism Act. It is not the role of the Monitoring Officer, the Independent Person or the Hearings

Sub-Committee to consider the conduct of the Clerk or to involve themselves in what is an employment relationship. Hatfield Town Council has processes dealing with Employee issues and these should be adhered to. Failure to follow those processes correctly could lead to unfair dismissal proceedings. This was made clear to all parties. For the purpose of this report it is noted that there are a number of concerns and tensions raised by the three Councillors regarding the Clerk's abilities and conduct going back a number of years. The allegations set out in the 11<sup>th</sup> June 2018 letter were considered at an extraordinary meeting of Hatfield Town Council on 10<sup>th</sup> July 2018 and dismissed. It was also noted that the Clerk has raised a number of concerns about her dealings with the three Councillors (together with a fourth Councillor who is not the subject of this investigation).

#### The Complainant's Evidence

- 4.4 Mrs McRoy stated that the three councillors presented themselves at her office on the morning of the 11<sup>th</sup> June, the day of the town council meeting, and provided a letter to her. This stated:-

*"It is with regret that I must inform you that (we) have become aware of serious issues i.e. financial irregularities and other issues as detailed on the attached and your reluctance to respond positively to my request for Committee meetings to be convened. I refer you to item 4a of the Disciplinary Policy where you find confirmation of the nature and content of allegation made. I further refer you to my email of the 7<sup>th</sup> June to which you have not responded. In view of all of the above it is regretted but we must now give you notice of (one month) termination of your employment with Hatfield Town Council.*

*This notice is with immediate effect from today Monday 11<sup>th</sup> June 2018 and will be supported by you taking "gardening leave" on full pay, your termination date will be Friday 13<sup>th</sup> July 2018.*

*In conclusion I request that you return keys and all other property of Hatfield Town Council immediately and remove ONLY you(r) personal item."*

- 4.5 Mrs McRoy passed this letter to her union representative and emailed it on 11<sup>th</sup> June 2018 to the councillors of Hatfield Town Council stating 'I have received the attached today from the Mayor, Deputy Mayor and Leader. I have spoken with my union representative and I would be grateful if you could confirm whether this is a full Town Council decision taken by my employer'.
- 4.6 The union official received a response from Cllr Morrison dated 12<sup>th</sup> June 2018 saying 'It is fair to say that this letter is now considered, without prejudice, withdrawn' and 'I am hopeful that discussion will now take place and a line drawn under this internal conflict'

- 4.7 Cllr Morrison also sent the letter as an email attachment on 12<sup>th</sup> June 2018 to all councillors stating '*I trust we can now get back to the business of serving our electorate*'.
- 4.8 An extraordinary meeting of the council was held on 10<sup>th</sup> July 2018 to consider the letter of 11<sup>th</sup> June 2018. Cllrs Credland, Glynn and Morrison did not attend and Mrs McRoy considered it was not appropriate for her to attend and the Deputy Clerk serviced the meeting instead.
- 4.9 Mrs McRoy also complained of the passing on of a confidential email that she had sent to Cllr Sanderson (her Council appointed line manager), Cllr Gibbs and Cllr Morrison highlighting her concerns over recent actions against her. The chain of emails shows that Cllr Morrison emailed Cllr Glynn on 21.9.17 at 12.20pm with the heading '*Copy as promised but you didn't get it from me*'.

#### Councillor Evidence

- 4.10 All three councillors agree that they had signed the letter of the 11.6.18 and that it had been drafted by Cllr Morrison and he had read it to Cllrs Credland and Glyn before it was signed. The three councillors agreed that the letter did not follow the correct procedure to dismiss a Town Council employee and they did not have the Council's backing. They claimed it was done out of frustration, partly due to the Clerk not setting up meetings when asked to do so and other concerns regarding her conduct and behaviour set out on the back of the letter.
- 4.11 All three Councillors expressed doubt as to whether it was a termination letter and was more of suspension to allow further investigation and put it through the correct council procedures and this was expressed in the letter as 'gardening leave'.
- 4.12 All three councillors were willing to accept the letter should not have been sent, but there was an unwillingness to apologise as they considered the reasons behind the letter remained.
- 4.13 The three councillors accepted that an extraordinary meeting was held on 10<sup>th</sup> July to hear the complaints against the clerk. The three councillors chose to not attend the meeting as they were aware that a complaint had been made against them to the Monitoring Officer, although they stated if they had known representatives from Yorkshire Local Councils Association (YLCA) were attending they would have considered attending.
- 4.14 In regard to the confidential email, Councillor Morrison accepted that he had forwarded this and he knew at the time he should not have been doing so as the title states: '*Copy as promised but you didn't get it from me*'. Cllr Morrison accepts that the confidential letter should not have been shared.

#### Consideration of disputed facts

- 4.15 Though all three councillors accept the letter should not have been sent and was not the correct procedure, there is a disagreement with regards to what the letter actually intended. The Councillors state it was to allow the proper processes to be followed and was not a termination.
- 4.16 I consider that the letter is clearly a dismissal letter. There is no basis for claiming that it was intended to suspend the clerk (using the term “gardening leave”) to allow time to consider the allegations and follow the Council processes. The letter states that ‘*we must now give you notice of (one month) termination of your employment*’ and ‘*your termination date will be Friday 13<sup>th</sup> July 2018*’. It states that the Clerk should not be present in the office during this time – ‘*this notice.... will be supported by you taking “gardening leave” on full pay*’.
- 4.17 The common understanding of “gardening leave” is an employee's suspension from work on full pay for the duration of a notice period when terminating employment, usually to stop them having any further influence or accessing confidential information. It is not a common term used when an employee is suspended pending further investigation. Suspension is the usual term used where an employee is being investigated for a disciplinary matter but no formal action had yet been taken. The letter clearly refers to termination twice and gives a termination date. There is no reference to ongoing considerations by the Town Council.
- 4.18 It is also clear that the three Councillors were acting *ultra vires*; they did not have authority from the Town Council to issue the termination letter and did not follow Hatfield Town Council processes or comply with the Hatfield Town Council policy in such matters. The Councillors also did not have authority to issue a suspension letter, so even if the Councillors believed that they were suspending the Clerk they were still acting Ultra Vires.
- 4.19 As previously explained, the Clerk’s alleged behaviours and performance issues are beyond the scope of this report. The three councillors continue to feel aggrieved by the Clerk’s behaviour, however Hatfield Town Council have rejected the allegations. At the extraordinary meeting of 10<sup>th</sup> July 2018, held to consider their complaints the Minutes state ‘*the council rejects the allegations made against the Town Clerk in the letter of 11<sup>th</sup> June, that it believes the allegations have no basis and that it expresses support for the Clerk*’.

### Conclusion

- 4.20 I find that: the three councillors all agreed to send the letter to the Clerk and that it was a dismissal letter.
- 4.21 I also find that Cllr Morrison passed on a confidential email from the Clerk written as an employee expressing her concerns when he knew he should not have done so.

- 4.22 When sending the letter to the Clerk, the three Councillors acted without authorisation from the full Council. Although the three Councillors were all members of the Council's Personnel Committee, they were not acting as the Personnel Committee. This was a flagrant breach of process; the 3 Councillors acted ultra-vires and set out a potential constructive dismissal/unfair dismissal case for the Clerk thus risking public monies.
- 4.23 Despite being repeatedly requested to do so, the three Councillors have declined to apologise to the Clerk.

## **5. Summary of material facts**

- 5.1 The dismissal letter of 11<sup>th</sup> June 2018 was not approved by the Council. Cllrs Morrison, Credland and Glynn agree that it was not done under the correct Council procedure or with any Council authority. The letter that Cllr Morrison sent to Mrs McRoy's union representative of 12<sup>th</sup> June withdrawing the dismissal letter confirms this. The minutes of the extraordinary meeting of the Council on 10<sup>th</sup> July confirm that this was not a decision of full council. The eight allegations attached to the letter of the 11<sup>th</sup> June were read out and discussed and the minute's state' *'The general consensus was that the allegations should be rejected as the accusations are unfounded. There is a procedure and policy in place within the Town Council to deal specifically with staff issues or conduct that has not been followed or implemented, and fundamentally the Full Council has not given the authority to send the letter.'*
- 5.2 The Town Clerk is employed by the Town Council and her line manager remains Councillor Sanderson, who took on the role before she became Mayor and has retained the role to assist continuity. All parties agreed that the Council have introduced a number of policies, some following YLCA involvement and this included a Protocol of Member/ Officer relations, and a Disciplinary Policy (dated 2015). This provides that if there are concerns with employees they are raised informally through the line manager. If appropriate, the Personnel Committee will appoint an Investigator reporting to the Personnel Committee who will decide whether further action will be taken. If required, a Sub Committee will then be formed and a disciplinary meeting take place. If the decision is made to dismiss this is taken by the Council
- 5.3 The clerk's email of 15.9.17 is clearly marked confidential and deals with an employee's concerns regarding her job. If this was to be considered a formal grievance, the Grievance Policy provides that this should be sent to the nominated Town Clerk support member (as it was) and the Personnel Committee will set up a Panel/Sub-Committee.

## **6. Reasoning as to whether there has been failure to comply with the Code of Conduct**

Member Obligation 1: He/she shall behave in such a way that a reasonable person would regard as respectful.

- 6.1 I consider that Cllrs Glynn, Credland and Morrison have all failed to behave in a way that a reasonable person would regard as respectful. To send a letter dismissing an employee of the Town Council without following the correct processes is very disrespectful to that employee and also to the other councillors and the general public. It is likely to lower the respect and high regard that Councillors should be held in. There is a clear process in place at the Town Council which they failed to have any regard to. The Town Councillors, as employers have important statutory obligations to their employees including an implied duty of trust and confidence. By failing to follow the set procedure and taking unilateral action dismissing an employee without any regard to these procedures or referring it to the Town Council is disrespectful ( in the extreme). The outcome of the Council's extraordinary meeting of 10<sup>th</sup> July 2018 dismissing the allegations show that their allegations are either unfounded or there is insufficient evidence provided to prove them. The Council's perceived failure to act on the three councillors' concerns prior to the letter of 11<sup>th</sup> June and following is no justification to seek to undermine or circumvent agreed processes and attempt to dismiss the employee. In employment law terms, failure to follow procedures correctly can lead to a finding of unfair dismissal. Having received the termination letter, the Clerk may also have cause to begin constructive dismissal proceedings against the Town Council. This would bring the Town Council into disrepute and put at risk public monies.

Member Obligation 2: He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.

- 6.2 To send a letter to an employee as the 'employer' giving notice of dismissal without following the correct procedures can be regarded as bullying and intimidatory. There is no justification for this behaviour. They are senior Councillors using their influence and standing as the Council's Mayor, Deputy and Leader to intimidate the employee. This is not acceptable.
- 6.3 None of the three councillors involved had apologised for their behaviour, despite the acknowledgement that they accept they have not followed the correct procedures. Cllr Morrison's email to Mrs McRoy's union representative was not an apology, only a statement that the letter would not be taken further '*without prejudice*'. *On receipt of the draft report, Cllr Morrison has now apologised with regard to the 11<sup>th</sup> June letter, though not directly to the Clerk (see Section 7: Additional Submissions)*

Member Obligation 5: He/she shall not disclose information which is confidential or where disclosure is prohibited by law.

- 6.4 Cllr Morrison passed on a confidential email which he had been sent by an employee of the Town Council. He clearly knew this was wrong and not the

correct process by putting '*You did not get this from me*' in the heading of the email. Particularly in his role as Mayor and having responsibility for employees he should not have shared the confidence without following the correct process.

## 7. Additional Submissions

7.1 The draft report was sent to all parties for their comments and a summary of their responses and any report amendments is set out below.

### Cllr Morrison

- Cllr Morrison states '*I feel that there are one or more inaccuracies within said report, however I accept that there is little to gain by any further continuance of this issue. I further accept that the process was flawed and incorrect in its application and I apologise to the Council its officers and to anyone else who may have been offended or upset as a result of my actions.*'

### Cllr Glynn

- Cllr Glynn states that he was told by "Councillor Morrison that Garden Leave was a term used to put an employee on leave with full pay, this would then give Councillor Morrison as Mayor time to call a Personnel Committee meeting, after which any findings from that committee would be presented to full Council for due consideration, we have only agreed that the process Councillor Morrison set out was not the correct one "with hind sight only"
- Cllr Glynn also states that he did not see the list of allegations attached to the letter

**Response:** I have not amended my report as the letter of 11<sup>th</sup> June is still clear that the Clerk is being dismissed with one month's notice and does not read as suspension to investigate further.

- Cllr Glynn states that the confidential email of 15.9.17 has two different fonts colours and may not have been originally marked confidential.

**Response:** This is a matter against Cllr Morrison and I do consider the original email was supplied and it is not disputed by Cllr Morrison.

- Cllr Glynn raised issues concerning the Clerk.

**Response:** This report details that the remit of the Monitoring Officer does not extend to employment issues of the Town Council.

### Cllr Credland

- Cllr Credland details the issues of concern regarding the Clerk.

**Response:** This report details that the remit of the Monitoring Officer does not extend to employment issues of the Town Council. .

- Cllr Credland states that the confidential email of 15.9.17 was not originally marked confidential.

**Response:** This is a matter against Cllr Morrison and I do consider the original email was supplied and it is not disputed by Cllr Morrison.

- Cllr Credland accepts that the correct procedures were not followed.

### Clare McRoy

- Amendments suggested regarding accuracy with regard to the confidential email of 15.9.17 being sent to Cllr Gibbs too. It was also confirmed that the role of line manager to the clerk does not pass each year to the new Town mayor but was with Cllr Sanderson before she became Mayor and has remained with her for consistency.

## **8. Finding**

- 8.1 My finding is that there has been a failure by Councillors Glynn, Credland and Morrison to comply with the Code of Conduct of the authority concerned in relation to the following obligations of the Code:

Member Obligation 1: He/she shall behave in such a way that a reasonable person would regard as respectful.

Member Obligation 2: He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.

- 8.2 I also find that Councillor Morrison has failed to comply with the Code of Conduct of the authority concerned in relation to the following obligations of the Code:

Member Obligation 5: He/she shall not disclose information which is confidential or where disclosure is prohibited by law.

## **Appendix A: List of Background Papers/Documentary Evidence**

1. Code of Conduct Complaint Form
2. Hatfield Town Council Code of Conduct
3. Email Chain – 15/9/17-2/10/17
4. Dismissal Letter – 11/6/18
5. Email from Bill Morrison – 21/9/17
6. Response to Dismissal Letter – 11/6/18
7. Bill Morrison Email with Mr Foulke Response – 12/6/18
8. Minutes of Extraordinary Personnel Committee re Confidentiality and Notes – 5/2/18
9. Notes from Personnel Committee – 16/1/18
10. Minutes of Extraordinary Meeting 10/7/18
11. Protocol on Member/Officer Relations
12. Disciplinary Policy
13. Dignity at Work/Bullying and Harassment Policy
14. Grievance Policy
15. Equality Policy

### *Notes of Meetings*

16. Ms McRoy Summary of Key Points in Interview
17. Cllr Glynn Summary of Key Points in Interview
18. Cllr Credland Summary of Key Points in Interview
19. Cllr Morrison Summary of Key Points in Interview