



INVESTIGATION REPORT

LOCAL GOVERNMENT ACT 2000

ALLEGATION OF FAILURE TO COMPLY WITH THE CODE OF CONDUCT AND
BREACH OF THE LOCAL PROTOCOL – MEMBERS AND OFFICERS RELATIONS

REFERENCE A-MB/RH01

INVESTIGATING OFFICER

MISS AMANDA BARLOW
DEPUTY MONITORING OFFICER
THE COUNCIL OF THE BOROUGH OF TORBAY
ISSUED:

CONTENTS

1. Introduction
2. Executive Summary
3. Councillor's Official Details
4. The Relevant Legislation and Protocols
5. The Evidence Gathered
6. Summary of the Material Facts
7. Respondent's Additional Submissions
8. Complainant's Additional Submissions
9. Findings
10. Independent Person
11. Recommendations

APPENDIX A – Schedule of evidence taken into account

INTRODUCTION

- 1.1. On 07 March 2016 the Council of the Borough of Torbay received a complaint from Councillor John Thomas (“the complainant”) against Councillor Richard Haddock (“the respondent”). The complaint was considered by Torbay Council’s Deputy Monitoring Officer, Amanda Barlow and Independent Person, Christine Payne on 08 March 2016 and it was resolved that the respondent be given an opportunity to respond to the complaint.
- 1.2. By a letter dated 01 April 2016, the respondent set out his response to the allegations presented to him. Namely;
 - 1.2.1 During the Full Council Meeting held on the 3rd February 2016, the respondent made serious allegations that were critical of Officers, and suggested behaviour on the part of Officers that was improper, unprofessional and not neutral (quote “divide and rule by Staff”) to such an extent that the whole lawfulness of the amendment was being questioned; and
 - 1.2.2 Whether the respondent broke the Member Officer Protocol when referring to a “Junior Officer” in an interview with a reporter over the Big Weekend which led to the front page article on the Herald Express on the 3rd February, leaving the impression that Officers actions or inactions had cost the Bay an important events opportunity. These remarks were not supported by evidence and were wholly inaccurate.
- 1.3. This report represents my findings and is being presented to Anne Marie-Bond, Monitoring Officer, who will be acting as legal advisor to Council of the Borough of Torbay Standards Committee/Sub-committee.
- 1.4. This investigation has been carried out in accordance with the guidance on ‘How to Conduct an Investigation’ produced by Standards for England that was applicable to the Code of Conduct for Members pursuant to the Local Government Act 2000.

1.5. Appendix A sets out the evidence that has been compiled and considered during the course of the investigation.

2. EXECUTIVE SUMMARY

2.1. The Council of the Borough of Torbay received a complaint from Councillor John Thomas on the 07 March 2016 which called in to question the conduct of Councillor Richard Haddock, during a debate at a Full Council Meeting held on the 03 February 2016 and an interview given by him that resulted in an article being published on the front page of the Herald Express on the 03 February 2016. A copy of Councillor John Thomas's full complaint is included at Appendix A.

2.2. A further meeting was convened between the Deputy Monitoring Officer, Amanda Barlow and Independent Person, Christine Payne on the 19 April 2016 to consider the response submitted by the respondent dated 01 April 2016. In considering the written response, it was resolved that a full Investigation be carried out, as the potential Breach of the Code of Conduct was sufficiently serious that an investigation should be undertaken in order to either discount or substantiate the complaint and to determine what sanction, if any is appropriate.

2.3 I have considered the provisions of the Code of Conduct and the Local Protocol – Members and Officer Relations of the Council of the Borough of Torbay, as identified by the complainant. I have grouped the potential breaches into the following questions;

2.3.1 Did the respondent's submissions during Torbay's Housing Strategy 2015-2020 debate at the Full Council Hearing on the 03 February 2016 breach the Code of Conduct of the Council of the Borough of Torbay. (Part 1, paragraph 5(h).

2.3.2 Did the respondent's submissions to the Herald Express which resulted in an article being printed on the front page of the Herald Express on the 03 February 2016 breach the provisions of the Local Protocol –

Members and Officer Relations of the Council of the Borough of Torbay. (paragraph 9.1(f)).

2.4 Having completed my investigation I believe that the respondent has breached both the Code of Conduct and the Local Protocol – Members and Officer Relations in respect of the elements set out above.

3. COUNCILLOR'S OFFICIAL DETAILS

3.1. The respondent, Councillor Richard Haddock, was elected as a Councillor in May 2015 for the St Marys with Summercombe ward in the Borough of Torbay.

3.2. The respondent has received the following relevant training;

- Communication & Media Skills (as part of a group) on the 19 May 2015
- Code of Conduct (as part of a group) on the 28 May 2015

4. THE RELEVANT LEGISLATION AND PROTOCOLS

4.1. The Council of the Borough of Torbay have adopted a Code of Conduct in which the following paragraph is included:-

4.1.1. Paragraph 5(h) – "conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office or the Council in to disrepute".

4.2. The Council of the Borough of Torbay Constitution has a Local Protocol – Member and Officer Relations in which the following paragraph is included, under the heading 'What Officers may expect from Members' :-

4.2.1. Paragraph 9.1(f) – "Not to be personally criticised in meetings of the Council, the Executive, or any Committee, or any other meeting at which members of the public or third parties are present, or in the media. If members are unhappy with an officer's performance they shall raise the issue in private with an appropriate Executive Head or Executive Director

of Operations and Finance in the cases of posts at Executive Head Level and above in accordance with paragraph 16 (Paragraph 16 of this Protocol sets out 'when things go wrong').

5. THE EVIDENCE GATHERED

5.1. The evidence I have taken into account during my investigation is all that documented in Appendix A.

5.2. I have taken oral evidence from;

- The Complainant,
- The Respondent,
- Torbay Council's Chief Executive, Steve Parrock.

5.3. I have also taken account of documentary evidence from;

- The Complainant,
- The Respondent,
- Torbay Council's Chief Executive, Steve Parrock.
- Torbay Council's Assistant Director (Community and Customer Services), Frances Hughes,
- Torbay Council's Head of Communication, Michelle Pierce

5.4. I have also taken account of the following documentary evidence;

- A transcript of Torbay's Housing Strategy 2015-2020 debate at the Full Council Hearing on the 03 February 2016
- The said Herald Express article dated 03 February 2016
- Code of Conduct of the Council of the Borough of Torbay
- Torbay Council – Constitution. Local Protocol – Members and Officer Relations.

6. SUMMARY OF THE MATERIAL FACTS

6.1 Summary of the complaint

6.1.2 The complainant calls in to question the conduct of the respondent and seeks a determination on whether the respondent has breached the

Code of Conduct of the Council of the Borough of Torbay and the Local Protocol – Members and Officer Relations of the Council of the Borough of Torbay.

6.2 Summary of the respondent's response to the Complaint

6.2.2 In respect of comments made at the Full Council hearing on the 03 February 2016, initially the respondent did not accept that the complaint disclosed a sufficiently serious enough breach to merit further investigation. The respondent did however, apologise if any Officer had been offended by his remarks.

6.2.3 In respect of the Herald Express article dated the 03 February 2016, the respondent does not accept that his remarks were wholly inaccurate. Instead the respondent is of the opinion that his comments were entirely accurate.

6.3 Summary of Evidence gathered in the course of this investigation

6.3.1 The transcript of Torbay's Housing Strategy 2015-2020, sets out the debate and documents the comments made by the respondent which form part of the complaint. Namely this evidences the respondent saying; "What is going on please? Is this divide and rule by the staff or something?"

6.3.2 The comments made by the respondent to the Herald Express and as printed in the said article, call in to question repeat conduct of junior officers, allege that the officers were unhelpful and had sent the promoters away, mysteriously some staff did not seem interested, had cost the Council, that the Council could have obtained a licence and that the Mayor and Members found out after the promoters had been turned away.

6.3.3 The report by Torbay Council's Assistant Director (Community and Customer Services) (as set out in Appendix A) evidences the actual

conduct of Council officers which has been called in to question by the respondent.

6.3.4 The written submissions of Torbay Council's, Chief Executive sets out the impact of the respondent's conduct on both the Council and its employees.

6.3.5 The respondent attended and took part in relevant training during May 2015, as part of his induction as an elected Councillor.

6.4 I find as fact, the following:-

6.4.1 That the respondent made and has accepted that he made the comments set out in the transcript of Torbay's Housing Strategy 2015-2020, as debated at Full Council on the 03 February 2016 and that reported in the Herald Express article dated 03 February 2016.

6.4.2 The respondent has from the outset stood by his comments reported in the Herald Express article dated 03 February 2016 and has not disputed any of its contents.

6.4.3 The respondent attended training in respect of Code of Conduct and Communication & Media Skills during May 2015. Therefore the respondent knew or should have known what was reasonably expected of him.

6.4.4 The respondent did not speak with a Senior Officer to express his concerns about officers of the Council before making his comments at the Full Council hearing on the 03 February 2016. The comments made by the respondent about Council officers were unsubstantiated and anyone present at the meeting, listening to the recording or reading the transcript, would have been given an inaccurate account of officers' conduct.

6.4.5 The respondent did not speak with a Senior Officer of the Council, or make enquiries with officers of the Council's Events Team before making comments to the Herald Express in respect of the Radio 1 Big Weekend. The comments made by the respondent were

unsubstantiated and gave an inaccurate account to anyone reading this article of officers' conduct.

6.4.6 The report written by Frances Hughes, Assistant Director (Community and Customer Services) sets out the following:

- Positive email correspondence between a promoter and an officer which demonstrates engagement by that officer to secure events within the Borough of Torbay.
- No evidence to suggest that officers acting independently have turned away either Elton John's promoter or Radio One.
- In respect of Elton John, it cannot be concluded that the event did not progress to a more formal discussion based on 'junior officers' actions alone, as senior management and politicians at the time had the opportunity to progress the relationship.

6.4.7 An approach from Promoters is a very operational matter. There is no automatic requirement by Council officers to notify the Mayor or Members of an approach by a promoter, where there is no formal approach for a specific piece of land/event.

7. THE RESPONDENT'S ADDITIONAL SUBMISSIONS

7.1 At Appendix A is a copy of the respondent's initial letter to the Deputy Monitoring Officer, Amanda Barlow dated 01 April 2016. In addition there have been two further letters from the respondent to the Deputy Monitoring Officer, Amanda-May Barlow, dated 11 May 2016 and 12 June 2016. These can also be seen at Appendix A.

8. THE COMPLAINANT'S ADDITIONAL SUBMISSIONS

8.1 At Appendix A is a copy of the complainant's additional submissions dated 25 May 2016.

9. FINDINGS

9.1 Having completed my investigation I consider that the actions of the respondent amount to a breach of paragraph 5(h) of the Code of Conduct for the reasons referred to in paragraph 6.4 of this report.

9.2 In addition, I consider that the actions of the respondent amount to a breach of paragraph 9.1(f) of the Local Protocol – Member and Officer Relations for the reasons referred to in paragraph 6.4 of this report.

10. INDEPENDENT PERSON

10.1 The Independent Person has had sight of this report and they have made the following comments:

- The report is thorough and addresses all the issues.
- The report is fair, balanced and makes logical and reasonable recommendations.
- The recommendation that Councillor Haddock apologises to the Officers involved and undertakes further relevant training addresses the key issues. It also agrees with the tentative proposal by Councillor Haddock himself in paragraph 1 of his letter to the Deputy Monitoring Officer dated 1 April 2016 where he states that he 'is looking forward to the training sessions you will be recommending to the Monitoring Officer'.
- I agree that refresher training would be appropriate where there is evidence that other Councillors are not fully aware of the Council's Constitution and overall governance protocols and that focus should be given on Member/Officer relations.

11. RECOMMENDATIONS

- Respondent to publicly apologise to Officers at the first available Full Council Meeting for the unsubstantiated and inaccurate comments made by him at Full Council on the 03 February 2016 and that quoted by him and subsequently printed on the front page of Herald Express on the 03 February 2016.

- Respondent to undertake further Communication and Media Skills training
- All Councillors to undertake refresher training with regard to the Council's Constitution and overall governance protocols, including overview of Member and Officer Relations, thereby ensuring that there is a shared understanding and respectful acceptance of such matters.

APPENDIX A – Schedule of evidence taken into account

No.	Document	Date	Page
1	Transcript of Torbay’s Housing Strategy 2015-2020 debate at the Full Council Hearing.	03/02/2016	19
2	Herald Express article.	03/02/2016	31
3	Complaint from Councillor John Thomas.	07/03/2016 (received)	33
4	Letter from the Deputy Monitoring Officer to the Respondent.	10/03/2016	37
5	Letter from the Respondent to Deputy Monitoring Officer.	01/04/2016	39
6	Letter from the Deputy Monitoring Officer to the Respondent.	03/05/2016	41
7	Letter from the Deputy Monitoring Officer to the Respondent.	03/05/2016	43
8	Letter from the Respondent to Deputy Monitoring Officer.	11/05/2016	45
9	Email from Torbay Council’s Head of Communication, Michelle Pierce, to Deputy Monitoring Officer.	11/05/2016	47
10	Letter from the Deputy Monitoring Officer to the Respondent.	17/05/2016	48
11	Email from Torbay Council’s Chief Executive, Steve Parrock to Deputy Monitoring Officer.	19/05/2016	50
12	Letter from the Respondent to Deputy Monitoring Officer.	12/06/2016	52
13	Letter from the Deputy Monitoring Officer to the Respondent.	20/06/2016	54
14	Redacted report from Torbay Council’s Assistant Director (Community and Customer Services), Frances Hughes.	28/06/2016	56
15	Complainant’s additional submissions.	25/05/2016	71
16	Communications & Media Skills Attendance Register.	19/05/2015	73

17	Code of Conduct Training Register.	28/05/2015	75
18	Extract from Code of Conduct of the Council of the Borough of Torbay, Paragraph 5(h).		77
19	Extract from Torbay Council – Constitution. Local Protocol – Members and Officer Relations, Paragraph 9.1(f).		79