



Monday, 22 August 2016

## **STANDARDS HEARING SUB-COMMITTEE**

A meeting of **Standards Hearing Sub-Committee** will be held on

**Wednesday, 31 August 2016**

commencing at **11.00 am**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,  
Torquay, TQ1 3DR

### **Members of the Committee**

Councillor Morey  
Councillor O'Dwyer

Councillor Stocks

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**A prosperous and healthy Torbay**

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For information relating to this meeting or to request a copy in another format or language please contact:

**Lisa WarrillowAntrobus, Town Hall, Castle Circus, Torquay, TQ1 3DR**  
**01803 207064**

Email: [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk)

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

# STANDARDS HEARING SUB-COMMITTEE AGENDA

**1. Election of Chairman/woman**

To elect a Chairman/woman for the meeting.

**2. Apologies for absence**

To receive apologies for absence, including notifications of any changes to the membership of the Committee.

**3. Declarations of interests**

**(a)** To receive declarations of non pecuniary interests in respect of items on this agenda

**For reference:** Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

**(b)** To receive declarations of disclosable pecuniary interests in respect of items on this agenda

**For reference:** Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

**(Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Democratic Services or Legal Services prior to the meeting.)

**4. Allegation of a Breach of the Member Code of Conduct**

To consider a report and determine what action, if any, should be taken in respect of allegations made against a Member of Torbay Council in accordance with the Local Protocol for Assessment and Determination of Allegations of Breaches of the Members Code of Conduct.

(Pages 3 - 80)

## Torbay Council Pre-Hearing Process Summary

<b>Name of the subject member:</b>	Councillor Richard Haddock
<b>Name of the complainant:</b>	Councillor John Thomas
<b>Committee Members:</b>	Councillors James O'Dwyer, Mike Morey and Cindy Stocks
<b>Monitoring Officer:</b>	Anne-Marie Bond
<b>Investigating Officer/ Ethical Standards Officer (if appropriate):</b>	Amanda Barlow
<b>Clerk to the Hearing:</b>	Lisa Antrobus

### Summary of the Complaint

That during the course of the Council meeting on 3 February 2016 Councillor Haddock made allegations that were critical of officers, and suggested behaviour on the part of officers that was improper, unprofessional and not neutral, to an extent that the whole lawfulness of the amendment was being questioned.

That Councillor Haddock referred to a 'junior officer' in an interview with a reporter regarding the Radio 1 Big Weekend, which led to an article being published on the front page of the Herald Express on the 3 February 2016, leaving the impression that officers actions or inactions had cost the Bay an important event.

### Relevant Section(s) of the Code of Conduct

- Paragraph 5(h) – You must not 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 into disrepute;

Relevant section of the Member and Officer Local Protocol

- 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').

**Findings of fact in the Investigation Report that are agreed**

As in the Investigating Officer's Report.

**Findings of Fact in the Investigation Report that are not agreed**

None.

**Date, time and location of the hearing**

11:00 a.m., Wednesday, 31 August 2016  
Meadfoot Room, Town Hall, Torquay

**Will the subject member attend or be represented?**

Subject member will attend and will not be represented.

**Will the Monitoring Officer be attending?**

Yes

**Names of any witnesses who will be asked to give evidence?**

None.

**Outline of the proposed procedure for the hearing**

The Sub-Committee will firstly receive a summary of the allegation and the key issues from the Monitoring Officer.

They will then have to agree the findings of fact (which are set out in investigator's report).

Then consider whether or not the subject member has failed to follow the Code of Conduct for Members.

Then, if they consider that he has not breached the Code, whether they should make any recommendations to the Council.

OR

If they consider that he has breached the Code, what if any, sanctions should be imposed and if they should make any recommendations to the Council with a view to promoting high standards of conduct among members.

The Investigating Officer and subject member will be given the opportunity to comment on each stage of the process and may ask questions through the Chair as no cross examination will be permitted. Members of the Sub-Committee may ask questions of any persons present at anytime during the meeting.

## **Appendices**

Appendix 1 Investigation Report

**Anne-Marie Bond, Monitoring Officer**  
**17 August 2016**



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:

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## 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 3<sup>rd</sup> 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 3<sup>rd</sup> 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.

2.3I 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**

<b>No.</b>	<b>Document</b>	<b>Date</b>	<b>Page</b>
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

### **Torbay's housing strategy 2015-2020**

**Chairman:** We now move to item 8, Torbay's housing strategy 2015 – 2020, Mayors response to Councils recommendations, Councillor O'Dwyer.

**Cllr O'Dwyer:** Thank you Mr Chairman I would just like to declare a non pecuniary interest.

**Chairman:** Thank you. As you will be aware any amendments to change this, the Mayors policy framework proposal requires two thirds of the members present and voting accepts the amendment and the substantive motion if the amendment falls the mayors policy framework proposal will stand and therefore no further vote will be taken. Can Councillor King please put his motion to the Council.

**Cllr King:** To Councillors I am pleased that we are now able to re-present our Torbay housing strategy for 2015 – 2020. The Mayor has considered the recommendations of the overview and scrutiny board and published his response informed by my advice, as lead councillor of this portfolio, on the 8<sup>th</sup> January. I believe all the recommendations of the Overview and Scrutiny reports have been responded to and the summary strategy document has been substantially reworked to allow the detail of target and drivers to be included. The covering report to Council shows a useful table in which each recommendation has a summary reply. The housing strategy remains an umbrella of documents and the associated documents i.e. the homelessness strategy and commissioning plan 'My home is my life' has not been altered as no specific objections were made to the associated documents and plans.

I reiterate from my introduction to this strategy before Christmas that the Council recognises through this strategy the challenges that we face in Torbay in enabling the right mix and choice of housing. Housing is part of our plans to improve the economic prosperity and healthy lives of people in the bay. The delivery plan recognises the activities that will steer us and our partners in the right direction in meeting housing demand, integrating housing and health commissioning and improving the quality of homes. Success is important in providing a housing system that works for everybody in a time of reducing resources and increased need. We want to get maximum benefit from changes in central government policy, this includes trying to have a positive relationship with developers as part of the delivery of the local plan to enable house building over the period. The strategy reminds us that the Council has enabled housing development over the last four years albeit it was in difficult market conditions during a recession. The new South Devon Highway will encourage more investment in the bay and we will use that and other opportunities to build more housing and improve housing standards over the next few years. Government policy in relation to housing is changing and the Council will need to remain nimble and responsive to new opportunities as they appear, and a degree of flexibility will be needed if our delivery plans and our overall ambitions will remain the same.

Finally a reminder our homelessness strategy is before you tonight and it is a statutory element of the housing strategy. It has been consulted on, we are all facing increasing pressure on homelessness in the bay and the plan supports close partnership working to mitigate as much as possible and prevent, where we can, those at risk of homelessness. I recommend this housing strategy and the homeless plan to this Council this evening.

**Chairman:** Thank you Councillor, do you have a seconder?

**Councillor Mills:** Yes Chairman I rise to second and reserve my right.

**Chairman:** Councillor Thomas

**Councillor D Thomas:** Thank you very much indeed... apologies, I do have an amendment which I wish to be circulated please.

**Chairman:** Having the document in front of me I will call for a five minute break to allow members to read and hopefully digest the content. Thank you.

5 Minute break

**Chairman:** Right, Councillors, Thank you. If you could take your seats we will now resume you have had time, I hope, to browse the document Councillor .....

**Councillor D Thomas:** Thank you very much indeed Mr Chairman. Ok, so the amendment that has now been proposed and put on the table, I have just heard a few members say 'there's a lot of words here we haven't read it and where's it come from'. So let's just talk about first of all where this amendment has actually come from, and a lot of members will have already seen it on a number of occasions. So, first of all I would like to thank the executive lead for the work that he has done on the housing strategy not forgetting that it was from a motion from myself that asked for the housing strategy to be brought forward at early opportunity, and that has come forward which is fantastic. So the amendment that is on the table tonight, originates from a conversation that a number of members had with the lead housing officer, xxxxxxxx, as to what should be in the housing strategy that hasn't made the final cut. What should have been there?, is there anything at all that should have been there that isn't there? that was the question. What we received back is effectively this document. So what you have in front of you tonight Councillors is basically an officer's piece of work, this is not a political amendment and you will see that it has been produced cross party. So it is split effectively into three parts; increasing the supply of affordable homes, dealing with our care homes and land availability. This in no way detracts from the housing strategy; this effectively provides an action plan as a bolt on to the housing strategy to add some more meat on to the bones. Councillor King spoke about the housing strategy needs to be nimble, responsive and flexible; I would suggest that this amendment adds all those things into the housing strategy. The first eight items that appear there within the, increasing the supply of affordable homes, they are a whole host of options that, treat it as a tool kit that you can basically use one item from the tool kit, two or all of them, they are all effectively there. Dealing with our care homes, the Edwardian Victorian villa revival they are not new words to members who have spent any time since May within this Council. You will have heard xxxxxxxx, from Planning, talking about that care homes are going to change, we know, Julian has spoken before about the fact that the care home market will change. We know that we will have empty care homes, how are we going to respond to that? This provides us with a hook, basically, to bring forward the Edwardian Victoria villa revival. Land availability, that phrasing there that wording has been lifted straight out of the corporate asset management plan, you will see that basically in the documents later on but that basically, and it also picks up timely on what the peer review said. We had the peer review, just before Christmas and it was saying to us that, we need to be bold, we need to be brave, we need to make sure that we provide land for housing of all different kinds of tenure, and we also need to make sure that this Council has an income stream for the next 20 or 30 years onwards. it basically aligns with all of those key thinking, so I would suggest that this fits in perfectly with being nimble, responsive, flexibility, it's right bang up to date, it's an officers set of words. I can't imagine that any member would have anything to trouble them with this and to be

honest, the only reason it is here now is because I did share it with Councillor King last week, with an opportunity that hopefully Councillor King would have added this into the strategy, unfortunately I found out late on Monday night that that wasn't going to be included so that is why it is actually here .... thank you. As an amendment tonight, don't forget of course it is a policy development framework document, which means that in order for it to be adopted two thirds of the Council need to support this, so I am looking forward to lots of support. I believe it is the right thing for the Council to do. Thank you Mr Chairman.

**Chairman:** Thank you Councillor. Do you have a seconder?

**Councillor S Darling:** Yes Chair I would like ... and I would like to reserve my right to speak at the end. Thank you Chair.

**Chairman:** Thank you. We will now open the amendment to debate. Councillor Lewis

**Councillor Lewis:** Thank you very much Mr Chairman. Having looked through the amendment I cannot see why anyone would object to it. We live in an area in Torbay with a lot of deprived areas, in Tormohun, the Councillors for Tormohun, Ellacombe, Councillors for Ellacombe, Roundham and Hyde, they need help with affordable housing, they need to be shown that we as Torbay Council will take the lead in trying to push forward the affordable homes. When I was in Councillor Kings position eight years ago it was something we tried to do, it was difficult. This I think is a bonus and as Councillor Thomas said this is not written by a group of politicians, this is written by a senior officer as a recommendation to go with the housing strategy. So if we vote this down, we are voting down an amendment which has been recommended by someone who is an expert in that field. And on that note I would like to ask Councillor King, if he is giving full support to it great, if he has reservations with the Mayor and the Executives can he pinpoint, when he stands up to speak, of which items in this amendment he doesn't agree with? Because he has got to stand up, and all those people who don't vote for this and look the people in their wards and those deprived wards that they haven't pushed for affordable housing. This bay needs the help of this Council, and I would give a message to the people Torbay that we are a caring Council, that we want more affordable homes in this bay, and that we do that by supporting this amendment so that it becomes part of the housing strategy. I for everyone support, and if they won't give their support I would like Councillor King when he stands up to outline point by point which ones he objects to. Thank you Mr Chairman.

**Chairman:** Thank you Councillor. Councillor Sanders.

**Councillor Sanders:** Thank you very much Mr Chairman. It's twenty nine years since I was last at a full Council meeting, and I have been trying to catch up on the new standing orders, all 500 pages of our constitution it's not easy. But I was first elected to this Council, I beat the then Chairman of housing, one Harry Perkins, in the Blatchcombe ward. Back then the Council was the landlord for 6,500 properties. They were low rent, there were few complaints from tenants, although that's not true in some areas, but there were few complaints from tenants. The estates were largely mixed in terms of the jobs that people did, about a third of the estates were people who were in work, about a third were retired and about a third were probably welfare dependent. It's very different to the mix of people you will find in social housing today, and by and large our estates were quite well maintained. We know the history; the right to buy came in, giving people big discounts in order to purchase properties, quite rightly the right to buy allowed people to purchase, whether the

discounts were too generous or not is a political debate for another day. Not replacing those houses though was a big error, and of course at the time that the entire stock that remained after those sales to Riviera housing took place there were only 3000 properties, over half the stock had gone under right to buy. So it is no surprise that today there are actually over 3000 people on our housing waiting list, some of whom will be deemed to have such a low need for housing, because the criteria is such that you have to be in real dire straits to be allocated a social house today, some of those people on that list will never ever be offered an allocation, and we allocate on average around 200 properties a year then you don't need to be a mathematician to work out some people are going to be waiting for a long time. And of course people who are inadequately or inappropriately housed actually find that they are on a road downwards, certainly the children in inadequate housing will not do as well at school as children who are in adequate housing, where there is room to play, where there is room to do homework, where there is room to not be under the stress and strains of a family that's in inadequate housing. Relationships are more likely to break down, there's more like to be money problems, health and social care is more likely to be needed for people in inadequate housing, so there are social costs that we pick up part of the bill of down the track, if you do not provide decent affordable housing for those in need. To me there's three key elements to a successful economy; one of them is skills, and we have done well in Torbay over the years in improving skills, the results in our local schools, we've got an excellent college that is certainly giving people skills and vocational certificates that equip them well for the labour market. The second part is communication, and communication is not just physical communication such as, the new link road which is making a big difference to the economy, and is going to make some significant differences to many other elements of what occurs within the bay if we get it right, but it is also about broadband the digital connectivity that we have with the rest of the world, now we are getting that right. The third element is affordable housing, because if you have skilled people who can't afford to live here then they will go and meet labour market shortages elsewhere, and if you want to attract people into here to run businesses, or you want businesses here to expand, then they need skilled workers but if the skilled workers can't afford to be here then they are not going to be here.

**Chairman:** Thank you Councillor you have 30 seconds.

**Councillor Sanders:** It's not a question about the numbers of houses, it's really about the type of housing, it's about meeting local housing need. This amendment goes some way to addressing it, I don't think it goes far enough but it's a start, and it's a good start with cross party support and I can't see why any member of this council would oppose it.

**Chairman:** Thank you Councillor....

**Councillor Stockman:** Thank you Chairman. There are several things I like about this amendment, one as has already been said it's a cross party amendment and what that says is to the people of Torbay is that we are finally willing to work together on their behalf. The next thing is it's an action plan, and for the whole of the time that I have been a Councillor I have noticed that on our strategy documents very rarely do we actually see an action plan, and so this is really good because this says that we're prepared, not to just to write up a strategy but we are prepared to take action on it. And the third thing is that virtually every needs assessment that we have actually looked at, for education and health, actually points to better living accommodation for families within the bay, so I whole heartedly support this amendment.

**Chairman:** Councillor Morey.

**Councillor Morey:** Thank you Chair. Listening to Councillor Sanders here, I too remember the Council sell off and the repercussions and the big hole that did leave in the affordable housing in Torbay. This amendment does focus on a subject not only close to my heart, I anticipate it is close to many of you here, and that is it is putting as a priority the affordable housing issue. In a low wage area, in an area of deprivation like Tormohun, like Ellacombe and other wards it is difficult for a large number of our residents not actually not only to get on the housing market but actually to be able to afford rented accommodation. This amendment does go some way to address this, and as previously said it is cross party I too would like it to have gone a lot further but stage by stage there is plenty of time yet, well not plenty of time it needs to be done sooner rather than later, but as Councillor Thomas did say this, this actually puts a bit of meat on the bone and likewise I would be interested to hear from those who oppose this, why? As I can see absolutely no argument why members should oppose this. Thank you.

**Chairman:** Mayor Oliver, thank you.

**Mayor:** I would have liked to have encouraged people to defer this particular amendment, when it was presented to the Conservative group it didn't have dealing with care homes or land availability on it, so those two have not been debated or even seen before tonight by the Conservative group. I say to my colleagues those two additions will make a huge difference to what is going to happen because you vote for this of course this will stop the Churston situation continuing and will mean that the Churston bid and the work associated with that, representative of the views of the people of Churston will be defeated if you vote for this tonight. So I say to my Conservative colleagues, you haven't seen this before these two points, it will change the policy on the sale of a lot of assets, we still need 1.7 million pounds, we're short and it may snarl up the sale of assets for other policies we will want to make so I say to you please do not support this in its present form. You have had an opportunity, I agree to everything that overview and scrutiny wanted, everything that you mentioned I have agreed to. Then at the last minute, what I may recall perhaps as a left-wing alliance here, if I may say so, to stop some of these things happening we support exactly what is exactly in the plan ....however it has to be done in a manner that does not affect existing legislation, if I can quote the housing bill goes to the lords next week, the LGA are very happy for us to have open and individual discussions with the government on housing issues. We can talk to them now and have an opportunity to decide, working with them, the best way forward and quickly for housing in Torbay, social housing, affordable housing because we need to do something quickly. But I do say to my colleagues you have two additional items here you have never seen before, you have to be honest and straight with the people of Churston that if you vote for this, it has been added in without your knowledge or consent or debate, and I implore you to defer this today, do not support it as it is in this form, let our own government through the housing and planning bill look at the implications to that, that in itself will out date this particular document. We have been fair and reasonable to everybody in what Mark King has proposed. Why didn't you put these things through overview and scrutiny? No you didn't, you wanted to vote on it now and rush it through. It is deceptive; I allege it is deceptive for those people who don't understand what those two last items mean. I am telling you what they mean, and if you want to have a decent, honest assessment of helping people in Torbay, do it in a manner that is open and transparent because this does not. And I am saying to you, if you vote for this tonight you will have all hell let loose elsewhere because it is not

fair and reasonable to do it in this manner. We need to look at the implications of the new bill and what the government is supporting and their keen as ever to push through and to make housing so important for the future and to help the people of Torbay. So please listen to what I am saying and bear in mind you have not seen, until today, what this means, I am telling you what it means. I would like to have this deferred so we can look at the implications of the housing bill, which goes to the house of lords second reading, and an offer from the LGA to us to talk directly with the government and get some real advantage out of speeding it up. But be so careful today, because if you make the wrong decision you will upset a huge number of people. And something else, as a last thing Chairman, part of this proposal, if you like a recommendation, is to move a lot of elderly people out of their existing homes, this was tried some years ago. Just be careful what you're....

Chairman: Can we have some silence...

Mayor Oliver: Just be careful what you're voting for and what this may mean to a lot of people who you will upset. We need a balanced and fair assessment to help the people of Torbay this is not the way forward.

Chairman: Thank you, before I move to the next speaker can we have some respectful silence whilst the member is presenting their case. Thank you. Councillor Excell.

Councillor Excell: Thank you Chairman. Likewise I would like to echo what Gordon has said but you know there is a lot of good stuff in this, but unfortunately one area that I always look at, more than anybody in my executive role for the communities, I look at people and how they live and where they are being moved from. If they are being moved they are normally moved in downsized to an area they may not know they may not have no friends and they have to restart their lives when they are elderly they may have lost their partners. And I think that not enough thought is put into how we downsize and how we, you know do the people actually want to downsize out of their areas and go start a new life? Nine times out of ten they don't, they could be living next to all sorts of people they have no, who they want to live with, you know I think we should be a bit more mindful .... Talk about downsizing we don't think just about the bricks and mortar but we think about the people who live there and do they want to end their lives in a completely strange place, and being hassled one way or another so I think that .... in my opinion a lot more work needs to be done before we march down that road. Thank you.

Chairman: Councillor Mills.

Councillor Mills: Yes, Thank you Chair. Until about 10 minutes ago I was quite happy with this..... Ok I will start again. Until about 10 minutes ago I was quite happy with this paper until we are delivered a very, very late amendment with the two items on the end, dealing with our care homes and land availability. I am not going to repeat or reiterate what the Mayor said only to say that if I vote for this amendment I will be doing my voters a disservice, so I am afraid to tell everybody that I will be voting against this amendment and if this amendment is passed I shall be voting against the housing strategy. Thank you.

Chairman: Councillor Bye.

Councillor Bye: Thank you Mr Chairman. I have been called many things in my life, I have not been called a leftie. I remember Councillor Sanders and I, we were radical young liberals together once in

the 1980's, and I very much hope that we can work cross party and that this Council can be absolutely passionate about meeting the housing needs of the people of Torbay, that is what I see is what it is all about. I am very pleased that Councillor King and the Mayor have taken on board some of the suggestions that have been made, so the housing strategy is revised, but it doesn't go far enough and it needs strengthening. Talking about encouraging the development of properties so that older people and others might down size, is not forcing anybody into anything, it is about providing choice. No one, absolutely no one will be made to move out of where they chose to live, what we will be doing is increasing the supply or, we hope to increase the supply, of properties that people will freely chose in, absolutely thereby freeing up larger properties much needed for families. Look at the evidence here at the back of the housing strategy, Torbay is amongst the top 15% most deprived local authorities in England, levels of deprivation have increased, there has been a 75% increase in Torbay residents living in areas amongst the most deprived, total number of homeless applications and decisions has more than doubled since 2011-2012, we have 3000 households on our waiting lists, we know the prices for both renting and buying in the private sector have gone way beyond what people on modest incomes in the bay can typically afford, something has to be done. What we are doing at the moment we are not doing enough, we are only delivering something like 353, 350 homes a year in the previous decade we were actually building 6,7,800 homes a year, 100 to 150 of those were affordable units, we actually used to meet our targets and were praised in the delivery of affordable homes. What we have got to do is absolutely strengthen this strategy. xxxxxx, an officer who I work with very happily and very closely and who I greatly respect, has come up with proposals to strengthen the strategy, it is not political it is not left wing, it's not right wing, it's not down the middle, it's common sense, it's professional advice as to how we strengthen our housing strategy. So I very much hope that all members will support this and absolutely include the bit dealing with care homes, we've got redundant care homes because we have been so successful in supporting older people to live in their own accommodation, and look and see what happened up at Dunboyne that is an absolutely brilliant example of what was a redundant or under used residential home that is now a superb supported living project, we have got many similar properties like that which we can use in a similar way. And absolutely the land availability is not as the Mayor has said, something that would make it difficult to realise our capital asset disposal, it is actually something that would maintain the value of the Councils assets as we move towards disposal. So I very much hope that all members will work cross party and support this amendment. Thank you Mr Chairman.

Chairman: Thank you Councillor ...

Mayor: ..... of accuracy I'd like to challenge the figures.

Councillor D Thomas: Sorry Mr Chairman ..... Standing order Sir

Chairman: What point of order please..... One moment

Councillor Parrott: Sorry Chairman, who's chairing this?

Chairman: It's a ....

Mayor: Thank you very much for your guidance Chairman, can I have the report back. There was a point made about, by Councillor Bye on the housing completions. And there were many many

hundreds, 700 I was the figure mentioned? I just happen to have the question that was asked in 2008 to the then....

Chairman: This is not a... sorry Mr ... this is not a point of personal order we will continue with the meeting. Councillor Parrott.

Councillor Parrott: Thank you Chairman. I've listened to some humbug in this place before, but to be lectured from the rolling lawns of Preston by Councillor Lewis about the deprivation in my ward is a bit rich frankly. But I am more than happy to take the advice of Councillor Sanders who has much experience of the needs across the whole of the bay, so and much of what he said I agree with whole heartedly. I think there's a couple of things that I would say about this, I do have reservations about incentivising downsizing because, what a mouthful incentivising downsizing, because I wonder if that is the first step on the road to you know protesting outside the homes of people who have too much, and I do worry about that because it is a first step along that road and as a non lefty I do worry about such well intentioned plans but nevertheless it has got to be a matter for the individual what size house they choose to live in if they have the means to live there. I think the issue for me is, I mean I am told much about the attributes of xxxxxxx, and I have met him and he is a very personable chap and so on. But my understanding is the supporting officer for the housing strategy is xxxxxxx and I have been unable to speak to xxxxxxx, because she has been away, about the first 8 points and I am certainly not going to be voting against this amendment because there are very real problems within my ward and I would accept that, apart from number 7, which I do have real problems with it's a bit like the issue of telling women they're obese, you know I have real problems with that, and so I won't be voting against it however, I will be abstaining on this simply because I think I haven't had the opportunity to test some of the items within it with the person who is the supporting officer for this, xxxxxxxx. Thank you.

Chairman: Thank you Councillor, Councillor Ellery

Councillor Ellery: Thank you Chairman. So now we know don't we, tomorrow if this gets defeated, I am walking down the fore street in Brixham meeting residents and constituents who have been on the waiting list for years and say I am awfully sorry, it got defeated because of worrying about the wealthy residents of Churston. Oh come on people, let's get real here. This is a strengthening of a strategy, done by an expert, not by us, not for any reason other than trying to improve the life and the houses of the people we represent. And we all sat here tonight caring about our residents or else we wouldn't be here, and then I hear something that we are all lefties and all the rest of it. I am sorry I care more about the residents I represent and the fact they have been waiting for years to get decent housing than I do about the wealthy residents of Churston. I fully support this amendment.

**Chairman:** Councillor Darling, Mandy.

**Councillor M Darling:** Thank you Mr Chairman. First can I say thank you to Councillor Lewis and Councillor Morey for championing Tormohun and the real needs in that area of housing and improvements. I went to a residents meeting there recently and I was challenged at that residents meeting by some of them who told me that a member of the Executive had said, that the reason why their housing wasn't being improved and more housing was because Councillor Mandy Darling was blocking the housing strategy. That is not the case. I support this amendment whole heartedly I

support improving the standards for the people of my ward and all the wards in Torbay and I would urge you to support this. Thank you.

**Chairman:** Councillor Tyerman.

**Councillor Tyerman:** Thank you Mr Chairman. It's a bit of a red letter day perhaps, I'm not sure I have ever been accused before of being part of a left wing conspiracy. I am not quite sure how to take that. When asked to speak Mr Chairman I was going to mention two points but Councillor Bye has adequately dealt with one. I'd like to just come on and mention the aspect of the clause there under land availability and say to Councillors, you actually have all had chance to see this wording, this wording was published in documents that came to Overview and Scrutiny as part of the asset management plan, been lifted exactly from there. Certainly it was read, I believe by most of the members of Overview and Scrutiny, it admittedly at the Overview and Scrutiny discussion didn't get much discussion, probably because none of us had a problem with it. That's the situation, Overview and Scrutiny accepted the logic of that and I must point out to people, this does not prevent anything happening it only says it needs the approval of full Council for these things to happen, this is not a block to any of the things in there it just makes it clear that it gets proper democratic consideration to come to a proper democratic decision. On that basis I am happy with what is here I shall be supporting this amendment and I would like to call for a recorded vote on this so that our members can see who is prepared to accept the responsibilities of .....

**Chairman:** Thank you that is fine a recorded vote will be taken. Councillor Bent.

**Councillor Bent:** I actually held Councillor Kings portfolio from 2007 – 2011, and we did actually at that time have a housing strategy and I recognise some of these initiatives as being part of the delivery plan of that housing strategy. A lot of focus has been on incentivising downsizing well we had that initiative in 2007, it worked very well, and we assisted people with their housing costs, there was no great debate about it. So I think it's, to suggest that it's perhaps putting people in a situation they don't want be is just not correct because we found that particular initiative worked very well. I think there is a number of other ones here that have been recycled quite frankly, so they're not new and they have been proven to be effective by the strategy that we had in 2007 – 2011. I think in relation to the last two, dealing with our care homes, I mean that has been an ongoing issue for years quite frankly, we have got care homes that are surplus to requirement and we have to consider alternative uses for them. As far as the land availability is concerned, I think it's only right and proper that these decisions be made by full Council, quite frankly, because it is public land that we are talking about and I think these sort of decisions need to be made collectively, so I very much hope that members will support this amendment. Thank you Chairman.

**Chairman:** Thank you Councillor, I now go to Councillor Steve Darling, you reserved your right.

**Councillor S Darling:** There we are it is actually working. There we are thank you. And I would like to thank Councillor Bye for stealing some of the key points that I wish to raise, I suppose I shouldn't be that surprised that as a former Liberal candidate that he does that for us. I am also, I am just somewhat perplexed as well. You know Gordon says this is a left wing alliance, you know the Conservative group leader and the Liberal Democrat those strange lefties are once again putting forward this. I think there is a simple explanation and we need Gordon, sorry our elected Mayor, to come clean. Clearly Councillor Parrott has talked him in to joining UKIP and that is the only

reasonable explanation as to why he would perceive this Conservative and Liberal Democrat amendment as being a left wing alliance. May I assure you this is actually an alliance of common sense rather than dogma, this is what our community needs and we need to deliver it. Let us not have the scare mongering that we have had before us, may I assure members that, you know, we will not be forcing old people out of homes. This is an incentive that we have had previously it is not a new policy it is reintroducing a policy that ensured older folk had an incentive to downsize to free up existing accommodation for those families in desperate need. May I just refer to the strategy as a whole, it is far from a perfect strategy but we have to use this amendment as a bolt on, to try and make sure that we give it some backbone. May I just briefly allude to the housing landscape that we face in Torbay. We have already heard from Councillor Bye of some of the challenges that we face, but we need to have a look at what is happening at a national level and the fact of the matter is that you know despite, I don't want to get too political, but the fact of the matter is that our current government are not supporting social housing. We have a situation here in Torbay where we have less than half, at 8% the level of social housing so we start from an extremely low base here in Torbay, and the national policy is to actually only help people who want to enter the housing ladder in our low wage economy with high cost of housing that is a deadly cocktail that we face for us. So we have lots of foresight from across the chamber saying that the national policy maybe almost, what I've heard describing as putting the death nail in social housing and yet, we as a Council need to make sure that, more than ever, we hold up our end because we desperately need that to meet the needs of our local community. You know we have already heard how we have gone from being in the top 100, sorry the worst 100 to now you know in the worst 50 according to indices of deprivation and the level of poverty in our community. So more than ever we need to actually tackle the desperate need for affordable housing. You know, I reflect myself, those people who have approached me, you know, I am aware of a family in a certain part of ...

**Chairman:** Thank you Councillor you have thirty seconds.

**Councillor S Darling:** And it's gone off again. There we are. In a certain part of Torquay where they are in desperate need of a five bedroom property, that is almost unimaginable for them to ever find that in Torbay, but the mother has severe health problems and a couple of the children have severe health problems and yet they are overcrowded and it is resulting in problems at school for the children.

**Chairman:** Thank you Councillor you have had your five minutes. Before I move to Councillor King, Councillor .....

**Councillor Haddock:** Thank you Chairman I have finally got noticed. I have no problems with the vast part of the majority of this document. Yes, I have been out of the country, I was not at Conservative group meeting. But I understand the papers I saw come back and this is dumped on us, I will put that word, tonight, with no notice of this motion. Which concerns me when you read the LGA report, doing things properly and professionally to bring things in and I see every other Councillor didn't get documents accept us on the top table. What's going on please? Is it divide and rule by the staff or something? Because I am concerned that we got our documents so late, and couldn't do. Most of that document I have received. I didn't see you, I apologise if you did but I only saw us get them given here. I am concerned that they are all coming this late, it is not professional for us to have documents at the last minute. Most of the document I have no problems with it's the last item

what's been going on on this one, I would like the last item deferred so we can look at legalities, and things like that because I didn't know anything at all about the last item. Thank you Chairman.

**Chairman:** Thank you Councillor, we will now go to Councillor King would you like to comment on the amendment?

**Councillor King:** Thank you everyone for an interesting debate. Just to confirm, the housing strategy presented today has taken on every one, I repeat every one of the Overview and Scrutiny recommendations. Perhaps Overview and Scrutiny are not as thorough as they would have us believe as we have the amendment tabled before us this evening. Councillor Lewis, you're not going to dictate to me what I comment on and what I do not. I am not against affordable housing proposals, far from it. What I am against is being asked to make a decision on a document I had presented to me just a few minutes ago. I saw the document at the Conservative group meeting, or a document at the Conservative group meeting on Monday and before that at a meeting with the Council officers however, the amendment has been substantially reworked after Councillor O'Dwyer helpfully pointed out that the amendment proposals were already out of date. I will not vote against this amendment, simply because I have not had enough time to read it properly and digest its contents, but for the same reason I won't be voting for it.

**Chairman:** Right we are going for a recorded vote, I pass now to the Monitoring Officer

**Anne-Marie Bond:** Members we are going to take a recorded vote on the cross party amendment that's before you. When I call your name please indicate how you wish to vote.....

Members the two thirds requirement was reached the amendment has therefore been carried and becomes the substantive motion against which further amendments can be moved.

**Chairman:** Is there any further debate? Councillor Parrott.

**Councillor Parrott:** ... For a recorded vote, thank you is anybody else going to support that?... Thank you.

**Chairman:** Is there any further debate? Councillor Thomas

**Councillor D Thomas:** Thank you, I really just need to remind members that we have the housing strategy with this amendment now and I would be absolutely horrified if anybody wasn't going to actually support the housing strategy. It is absolutely critical that this Council has a housing strategy, I brought it forward, as I have already said, as a motion all those months ago. Here tonight we now have the housing strategy, there is no option to defer it is actually here so please let's show all councillors supporting the housing strategy that we have on the table in front of us because this is the document that we will be working forward, and I think it would send out a very negative message if the executive were now to either abstain or to vote against the housing strategy that 95% of the work that you guys have done is included, there is only a very small element that has just been added at the end. So let's all get behind your housing strategy and our housing strategy, let's make this the Councils housing strategy and get it adopted unanimously. Thank you.

**Chairman:** Councillor Excell

**Councillor Excell:** Thank you Chair. I'm sorry I don't know what planet you come from but I have already made my point, and I don't see how I can change it I'm afraid that quick so my answer is because at the moment we are having this housing strategy with what your amendment and it still has two issues there which I have concerns about so I will be abstaining.

**Chairman:** Any further debate? Then we go to Councillor Mills who ... Thank you Councillor King, no further comment then we call a recorded vote has been called for.

**Anne-Marie Bond:** So members you are now voting on the substantive motion which includes the amendment, when I call your name please indicate how you wish to vote.....

Members the required two thirds was reached, therefore the housing strategy as amended is carried.

RADIO 1 BIG WEEKEND: How Torbay missed out

TORBAY could have hosted Radio 1's money-spinning and star-studded Big Weekend event — but missed out, it was claimed today.

And the same goes for concerts for music legends Elton John and Rod Stewart with their promoter also being turned away.

The claim that Torbay lost out was made by Cllr Richard Haddock (pictured), right hand man to [mayor Gordon Oliver](#) and the executive lead for business.

[Radio 1 Breakfast Show](#) host Nick Grimshaw announced on Monday that Europe's largest free music festival is coming to Powderham Castle on May 28 and 29 which left [Teignbridge Council](#) and Exeter City Council jumping for joy. Both councils contributed £100,000 to bring the event to South Devon and say it will be a huge showcase and boost for the area.

More than 50,000 people are expected over the two days and all the tickets are given free to local people with [world-famous acts](#) Coldplay and Ellie Goulding already lined up.

Cllr Haddock claimed Radio 1 approached the council five or six months ago but 'junior council officers' said they were unable to help because there was no licensed venue in the Bay able to accommodate 25,000 people.

Cllr Haddock was adamant an approach was made to a council officer.

"100 per cent guaranteed. No ifs and buts," he said adding that neither the mayor nor councillors were made aware of the approach until after the radio representatives were sent away.

According to Cllr Haddock, the same thing happened after a promoter looking after Elton John and Rod Stewart made an approach to stage two concerts in the Bay, with Clennon Valley in Paignton, being highlighted as a possible venue. That never came to anything either.

Rod Stewart is now performing at Plymouth Argyle's Home Park ground on Tuesday June 7 and Elton John will be at Exeter's Westpoint arena on Sunday, June 19.

Cllr Haddock claimed: "I understand there were approaches from the Radio 1 roadshow team.

"I also understand a big promoter who manages Elton John and people like Rod Stewart was interested in Torbay, but mysteriously some of the staff did not seem to be interested.

"The councillors found out after they had been turned away. The mayor was not happy. I understand he was not informed until afterwards."

He said the local authority could have obtained a licence for Clennon Valley and estimates it could have made £500,000 from the concerts alone.

The Churston farmer also revealed the promoters approached him to see if he owned land suitable to host a concert.

Cllr Haddock said: "I had to turn them away because I was not ready. I would prefer that Torbay did it and got the money."

The Big Weekend will put Teignbridge and South Devon on the map. Council leader Jeremy Christophers said: "I'm still getting over the excitement of the announcement. We are sure this will be a weekend to remember.

"This is a wonderful opportunity for the young people of Teignbridge to enjoy a festival right on their doorstep. It will showcase Powderham Castle and put this part of Devon on the map."

Charlie Courtenay, the new Earl of Devon, said: "It is awesome that Radio 1 has chosen Powderham for the Big Weekend 2016. The Castle has entertained a lot over the centuries, but it has never seen a weekend like this."

Sarah Stride, acting general manager for Visit South Devon, said: "This is fantastic news for the profile of Teignbridge and South Devon, putting the local area firmly on the map."

The first five acts announced on Monday were Coldplay, Ellie Goulding, Craig David, Chase and Status and Bring Me the Horizon.

Coldplay star Chris Martin said: "I was born and raised in a cottage next door to Powderham Castle, so being part of Radio 1's Big Weekend this year means a huge amount to me personally. I lived the first few years of my life less than 500 yards from where we'll be performing so this couldn't be more of a homecoming for me."



**Torbay Council**

**Allegation of a breach of the Member Code of Conduct  
and/or protocol**

1	Full name(s) of person(s) making allegation:	Councillor John Thomas
2	Address:	Brooke Farm Long Road Lower Yalberton Paignton TQ4 7PQ
3	Telephone Number:	01803 552721
4	Fax Number:	
5	E-Mail address:	John.thomas@torbay.gov.uk
6	Names, E-Mail addresses, and telephone numbers of any witnesses:	
	Frances Hughes, <a href="mailto:fran.hughes@torbay.gov.uk">fran.hughes@torbay.gov.uk</a> , 01803 208002  Steve Parrock, <a href="mailto:steve.parrock@torbay.gov.uk">steve.parrock@torbay.gov.uk</a> , 01803 208973	

## Torbay Council

### Complaint against a member of the council

<b>1</b>	Against which member is your complaint being made?
	Councillor Richard Haddock
<b>2</b>	What do you allege the member did wrong? (State specifically what the member said and/or did)
	<p>Regretfully I must refer Cllr Haddock to the Standards Committee for his Full Council comments.</p> <p>Apart from being disrespectful to the Chairman, Cllr Haddock's comments were factually incorrect, critical of officers, and suggested behaviour which 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.</p> <p>This is a clear breach of the Member Officer Protocol at the most public of public meetings and cannot be overlooked.</p> <p>I also believe that Cllr Haddock broke the 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 3rd February, leaving an impression that officers actions or inactions had cost the Bay an important events opportunity. Not only was this inaccurate, it also brought the council and officers into disrepute.</p> <p>Such behaviour cannot be tolerated any longer.</p>
<b>3</b>	Which paragraph(s) of the Members' code of conduct and / or Protocol do you say have been breached?
	<p>Local Protocol on Member and Officer Relations generally but in particular paragraph 9.</p> <p>Members Code of Conduct:</p> <p>5(e) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council;</p> <p>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 into disrepute.</p>
<b>4</b>	When and where do you say the alleged breach occurred?
	<p>Council meeting 3 February 2016</p> <p>Herald Express Article printed on 3 February 2016</p>

5	<p>What is your evidence for alleging a breach? (Set out below the specific evidence and write on additional sheets if necessary. Attach copies of any relevant correspondence papers, documents which you say support your allegations).</p>
	<p>Audio recording of the Council meeting on 3 February 2016 copy of which is available at:  <a href="http://www.torbay.gov.uk/DemocraticServices/ieListDocuments.aspx?CId=163&amp;MId=6158&amp;Ver=4">http://www.torbay.gov.uk/DemocraticServices/ieListDocuments.aspx?CId=163&amp;MId=6158&amp;Ver=4</a></p> <p>Herald Express Article printed on 3 February 2016</p>
6	<p>Are there any witnesses who can corroborate what you say? If so, set out their names below and write their contact details on the attached form.</p>
	<p>Frances Hughes, <a href="mailto:fran.hughes@torbay.gov.uk">fran.hughes@torbay.gov.uk</a>, 01803 208002.</p> <p>Steve Parrock, <a href="mailto:steve.parrock@torbay.gov.uk">steve.parrock@torbay.gov.uk</a>, 01803 208973</p>
7	<p>Your identity will probably have to be made known to the member against whom you are making the allegation, to the authority and to others who need to know who you are.</p> <p>Requests for confidentiality regarding names of complainants, witnesses and others corroborating evidence will not automatically be granted. If any request for confidentiality is not granted, you will be asked whether you wish to withdraw your complaint. You will be notified of the Council's decision but if the Council considers the complaint to be sufficiently serious, it may proceed with an investigation and disclose your name.</p> <p>If you wish your name to be kept confidential please set out your reasons below.</p>

**8** Complaints must be submitted in writing using this form, including electronic submissions utilising this form which is on the council's website. If you need any assistance in completing it, please contact 01803 207481. Are you prepared, if called upon to do so, to give oral evidence in public in support of your allegation to the Standards Hearings Sub-Committee?

**Signed:**

**Print Name in block Capitals:** Councillor John Thomas

**Date Form received:** *(to be filled in by Governance Support)*.....

Please return this form to:  
  
The Monitoring Officer,  
c/o Governance Support,  
Torbay Council,  
Town Hall,  
Torquay,  
TQ1 3DR.



Councillor Haddock  
Private and Confidential  
Churston Farm Shop  
Dartmouth Road  
Brixham  
TQ5 0LL

**Please reply to:** Amanda Barlow  
Deputy Monitoring Officer  
Legal Services  
Electric House  
Castle Circus  
Torquay, TQ1 3DR  
**Telephone:** 01803 207172  
**E-mail:** Amanda.barlow@torbay.gov.uk  
**Website:** www.torbay.gov.uk  
**Date** 10 March 2016

Dear Councillor Haddock

### **Complaint of Alleged Misconduct**

I have recently received a complaint that alleges you have breached the Members Code of Conduct. Upon receipt of that complaint, I as the Council's Deputy Monitoring Officer have undertaken an initial assessment of whether the alleged behaviour could amount to a breach of the Code of Conduct. When undertaking an initial assessment I have the option to consult our appointed Independent Person. The role of the Independent Person is to remain completely impartial and objective. Their role is to assess complaints and form a view on them. I have on this occasion, sought the views of our Independent Person, Mrs Christine Payne.

Prior to forming a final finding on the allegations, I would like to give you the opportunity to respond to the allegations. The complaint sets out the following allegations:

- 1) At Council meeting on the 3 February 2016, under item 8 of the agenda, you 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 of the lawfulness of the amendment was being questioned.
- 2) Councillor Haddock 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 3 February 2016, leaving an impression that Officers actions or inactions had cost the Bay an important events opportunity. These remarks were not supported by evidence and they were wholly inaccurate.

If I have not received a response from you by 4 April 2016, I will determine that you do not dispute the above allegations and will form a final finding based upon the evidence provided by the complainant and witnesses.

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

torbaycouncil

@Torbay\_Council

+torbaycouncil

*forward thinking, people orientated, adaptable - always with integrity.*

If you require this in a different format or language, please contact me.

To ensure that the Member being complained about has independent support, the Member may contact a nominated Independent Person to seek their views. If you would like to access this support please contact Lisa Antrobus, Governance Support on (01803) 207064 or [lisa.antrobus@torbay.gov.uk](mailto:lisa.antrobus@torbay.gov.uk), for their contact details.

If you have any queries in respect of this letter please do not hesitate to contact me at the above address.

Yours sincerely

**Amanda Barlow**  
**Deputy Monitoring Officer**

Amanda Barlow  
Deputy Monitoring Officer  
Legal Services  
Electric House  
Castle Circus  
Torquay TQ1 3DR

1.4.16

Dear Amanda,

I refer to your letter dated 10.3.16 regarding Alleged Misconduct. I will respond to the allegations in the order that you have presented them to me.

1. Remarks made at the Council meeting 3.2.16

I have listened to the Audio recording online. I have not named anyone specifically. If you are consistent with your decision based on a complaint I made recently, I do not believe the complaint discloses a sufficiently serious enough breach to merit any further consideration. However, I apologise if any officer has been offended by my remarks. I look forward to the training sessions you will be recommending to the Chief Monitoring Officer.

2. Breaking of Member/Officer Protocol.

I do not believe the comments were wholly inaccurate. I am of the opinion my comments were entirely accurate. My information came direct from a conversation with the event promoter, and this was confirmed during a conversation I had with a member of staff at the Riviera Centre. Cllr. King was a witness to the latter conversation. This information was passed to the Chief Executive. Cllr. King also was a witness to this conversation. I attach a cutting from the local paper stating one event would have been worth £3.5 million to the local economy.

I hope this information is of assistance to you, to enable you to make your decision.

Kind regards

Cllr. Richard Haddock

TERRIFIED: Mylene Bradley the time. She managed to hide some cash and there was no-one else around...

# Council will share in the £3.5m legacy from radio Big Weekend

By DANIEL CLARK

daniel.clark@heraldexpress.co.uk  
Twitter: @HEDanielClark

TEIGNBRIDGE Council's £100,000 investment in bringing Radio 1's Big Weekend to Powderham Castle will be justified and provide a real legacy for the region, council leader Cllr Jeremy Christophers has claimed.

It follows expert research by Dr Andrew Dean, from Innovation Impact and Business at the University of Exeter, who worked out the calculations in terms of both spend and marketing exposure and said Teignbridge Council and Exeter City Council are set to benefit by at least £3.5million.

It was announced on Monday 30,000 of the 50,000 tickets for the concert on May 28 and 29 will be given to people in the Teignbridge and Exeter City Council areas — the largest proportion ever. Demand for the Visit South Devon guide

has also risen 40 per cent since the Big Weekend was revealed.

Cllr Christophers said: "We thought long and hard about putting finance towards this event. These figures confirm what we knew, that we would be getting a great return on the investment. This return is as close to alchemy as you can get at a local level and will be fantastic for the region.

"We invest in the aspirations of our communities, especially our young people, as we want our youth to stay with us to live, work and play and The Big Weekend and the associated academies are the perfect way to show them we

care. We are all very excited to see the BBC light up the sky with entertainment which will be a real legacy for our youth."

Dr Dean, who carried out the research, said the £3.5million boost was based on previous Big Weekends.

He said: "We have deliberately been very conservative — for instance we have not included local people's earnings from the event if they are employed to work there by the BBC (and others) nor the fact some BBC staff will have to be staying locally for a good few days to oversee the start-up and planning of the event. The £3.5million figure looks like a pretty safe estimate for the Powderham Castle Radio 1 Big Weekend."

Nicola Bulbeck, chief executive of Teignbridge Council, added: "The coun-

cil has a proven track record in delivering large scale events."

A total of 50,000 tickets will be released at 8am on April 4. Of the geographically weighted tickets, 30,000 will be reserved for residents living within the area covered by Teignbridge Council and Exeter City Council combined.

A further 17,500 tickets will be reserved for people living in the surrounding parts of the south west, which includes TQ, EX, TR, PL, TA and DT postcodes.

"Tickets are available on a first-come-first-served basis and will be available online via the Radio 1 website or by calling 0844 453 9012. For more information on the event and ticketing details including terms and conditions, visit the Herald Express website.

## Winning start for this year's search for award-winning tourist gems

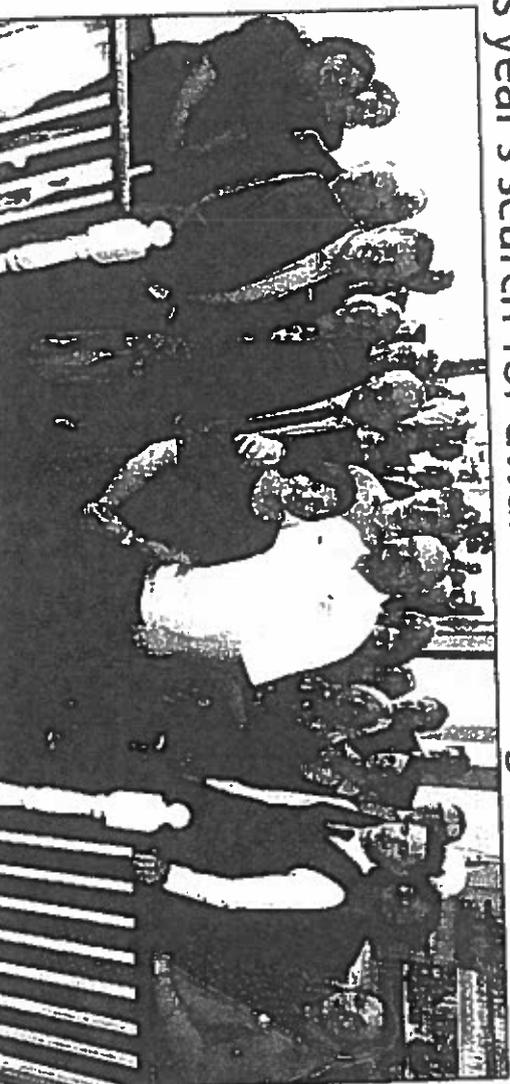
THE 2016 English Riviera and South Devon Tourism and Hospitality awards have been launched in winning style.

Last year's winners were invited to a special event to celebrate at 2015's overall business of the year award winner — the Elephant restaurant and brasserie in Torquay.

Herald Express editor Jim Parker welcomed the guests and headline sponsors for the 2016 awards, Wollen Mitchellmore.

The company's chief executive, Chris Hart, said the tourism industry appreciated the Herald Express' support of the tourism industry.

He said: "We wanted to say well done to all the winners. The awards have gone from strength to strength and last year there were more entries than ever and some fantastic competition."



## Man, 30, charged with £200 bank robbery

By PAUL GREAVES

pgreaves@heraldexpress.co.uk  
Twitter: @HEPaulGreaves

A 30-YEAR-OLD man has been charged with committing a robbery at the Natwest bank in Paignton.

Police were called to reports of an raid at the branch in Victoria Street just before midday on Saturday after staff raised the alarm.

A police manhunt involving ground units and the force helicopter was launched after a man fled the scene.

Nobody was hurt, but an eye-witness said the staff were badly shaken by the incident.

A police spokesman said: "We were called to a reported robbery where an amount of money was taken.

"A small amount of money in the region of £200, was taken and has since been recovered by the police.

"Searches took place in and around Paignton including the train station and seafront.

Police arrested a man at an address in Paignton at 7pm on Sunday.

One eyewitness, who was in the bank at the time, said: "The staff were shaken up. I was in the bank and spoke to the bank clerk and he was badly shaken up to be honest.

"We couldn't get any money because they had to close the bank. The manager came down and all sort of things started to happen.

"The police were there very quickly and I saw the police



Councillor Haddock  
Private and Confidential  
Churston Farm Shop  
Dartmouth Road  
Brixham  
TQ5 0LL

**Please reply to:** Amanda Barlow  
Deputy Monitoring Officer  
Legal Services  
Electric House  
Castle Circus  
Torquay, TQ1 3DR  
**Telephone:** 01803 207172  
**E-mail:** Amanda.barlow@torbay.gov.uk  
**Website:** www.torbay.gov.uk

**Date** 3 May 2016

---

Dear Councillor Haddock

### **Complaint of Alleged Misconduct – Comments made at the Council Meeting on 3 February 2016**

As detailed in my letter to you dated 3 May 2016, I have separated the allegations made against you and respond accordingly. As before, I have once again sought the views of the Independent Person, Mrs Christine Payne.

The complaint alleged that you made serious allegations that were critical of Officers, and suggested behaviour on the part of Officers that was improper, unprofessional, and not neutral to such an extent that the whole of the lawfulness of the amendment was being questioned.

In considering your written response dated 1 April 2016, I am not satisfied that you understand or appreciate the seriousness of this allegation and therefore I am left with no option other than to undertake a full investigation. Based on the information provided the potential breach of the Code of Conduct is 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.

As part of the investigation process, I have instructed Lisa Antrobus to arrange a meeting with you and myself at a time which is convenient to us both. I will also be speaking with the Chief Executive in order for me to undertake a full and detailed investigation. Please note if following the completion of the investigation I make a finding of 'no breach', no further action will be taken in respect of the complaint and a press statement will be released advising of 'no breach'. If I should find a breach, a meeting of the Standards Hearing Sub-Committee will be convened to consider the investigation report and make a final decision.

To ensure that you have independent support, you may contact a nominated Independent Person to seek their views. If you would like to access this support please contact Lisa Antrobus, Governance Support on (01803) 207064 or [lisa.antrobus@torbay.gov.uk](mailto:lisa.antrobus@torbay.gov.uk), for their contact details.

If you have any queries in respect of this letter please do not hesitate to contact me at the above address.

Yours sincerely

**Amanda Barlow**  
**Deputy Monitoring Officer**



Councillor Haddock  
Private and Confidential  
Churston Farm Shop  
Dartmouth Road  
Brixham  
TQ5 0LL

**Please reply to:** Amanda Barlow  
Deputy Monitoring Officer  
Legal Services  
Electric House  
Castle Circus  
Torquay, TQ1 3DR  
**Telephone:** 01803 207172  
**E-mail:** Amanda.barlow@torbay.gov.uk  
**Website:** www.torbay.gov.uk  
**Date** 3 May 2016

Dear Councillor Haddock

### **Complaint of Alleged Misconduct – Radio 1 Big Weekend**

Thank you for your response dated 1 April 2016. Please note that I have separated the two allegations made against you and respond accordingly. As before, I have once again sought the views of the Independent Person, Mrs Christine Payne.

In considering your response to the allegation regarding the comments attributed to you in the Herald Express article regarding the Radio 1 Big Weekend dated 3 February 2016, there is an apparent lack of recognition of the impact your comments may have had on the reputation of the Council. In addition and following sight of a report prepared by a Senior Officer of the Council, you did not confirm the accuracy of the information with any Council officer before making your comments to the Herald Express and I have resolved that a detailed response is required from you on this point.

Therefore I am left with no option but to undertake a full investigation based on the information provided the potential breach of the Code of Conduct is 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.

As part of the investigation process, I have instructed Lisa Antrobus to arrange a meeting with you and myself at a time which is convenient to us both. I will also be speaking with the Chief Executive in order for me to undertake a full and detailed investigation. Please note that if, following the completion of the investigation, I make a finding of 'no breach', no further action will be taken in respect of the complaint and a press statement will be released advising of 'no breach'. If I should find a breach a meeting of the Standards Hearing Sub-Committee will be convened to consider the investigation report and make a final decision.

To ensure that you have independent support, you may contact a nominated Independent Person to seek their views. If you would like to access this support please contact Lisa Antrobus, Governance Support on (01803) 207064 or [lisa.antrobus@torbay.gov.uk](mailto:lisa.antrobus@torbay.gov.uk), for their contact details.

If you have any queries in respect of this letter please do not hesitate to contact me at the above address.

Yours sincerely

**Amanda Barlow**  
**Deputy Monitoring Officer**

# Agenda Item 4 Appendix 9

Brokenbury Quarry  
Dartmouth Road  
Churston  
Nr Brixham  
Devon  
TQ5 0LL

Telephone 01803 845837

VAT NO: X

Cllr Richard Haddock  
St Marys with Summercombe Ward  
Executive Lead for Business

Amanda Barlow  
Deputy Monitoring Officer  
Torbay Council

11 May 2016

Dear Ms Barlow,

Thank you for your letters in relation to alleged misconduct on the part of myself.

You will hopefully appreciate that as a well known local businessman I believe it is important for me to present myself in a personable and professional way at all times and this includes when I am representing the Council or on Council duties. Accordingly, if there are ways I can improve in the way I do things I am always keen to have these drawn to my attention.

On this basis, please can you provide further detail to me on the following matters detailed in your letter:-.

1. You say you have two complaints.

Who raised these complaints?

2. You say that in relation to the 3 February 2016 meeting I spoke inappropriately and that you have sought the advice of the independent person.

What exactly is it that I said which is claimed to be inappropriate?

In seeking the views of the independent person how have you conveyed to them the full context of what I said including whether I asked questions or made statements and whether if questions any answers given elicited an immediate apology?

Further to the above, how have you conveyed to the independent person that Cllr Thomas said that in relation to the Mayor's Housing Strategy the "amendment that is on the table

*tonight...comes from... the Lead Housing Officer Liam Montgomery... what should have been there that hasn't made the final cut... what should have been there that isn't there... an officer's piece of work not a political amendment". Have you conveyed to them that this appears to contradict a subsequent e-mail sent by the Chief Executive to all Councillors?*

3. You say that in relation to the One Big Weekend I stated incorrect facts about the Council's decision making process.

What exactly did I state which is claimed to be inaccurate?

Further to this who has determined what did happen? To the extent there is a report into the Council's failure to secure the One Big Weekend please can I have a copy so that I can appraise myself of it?

Subsequent to writing the above I have also noted that a 3 hour meeting with you has been placed in my diary. Please could you also set out to me the purpose and attendees to such a meeting? To the extent the intention is to consider any disciplinary matters please could you set out to me the relevant Standing Orders in our Constitution which apply?

I look forward to your response,

Yours sincerely

Richard Haddock

**Barlow, Amanda**

---

**From:** Pierce, Michelle  
**Sent:** 11 May 2016 16:01  
**To:** Barlow, Amanda  
**Subject:** Confidential: media training  
**Attachments:** 1170\_CouncillorMediaInduction2015.pptx; communications councillor workbook.pdf

As discussed on the phone earlier I can confirm that Councillor Richard Haddock attended the media training session on 19 May 2015.

The powerpoint presentation included a section on the media and covered topics such as media gaff examples, what journalist are looking for, how to handle media enquiries and what to do if they are contacted by a journalist directly. This was followed up by an exercise on worksheet 3 in which Members were asked to break out into small groups to discuss the two media scenarios they may be confronted with and then to feed back to the room. All points on the power point were explained in detail to the group and there was the opportunity to discuss any points raised.

The power point and training session was based on the LGA Association's media and communications councillor workbook. This was available in hard copy for all councillors to pick up after the training session. It was also emailed to members so they had an electronic copy.

The power point used in the training session and the workbook is attached.

Kind regards  
Michelle

Michelle Pierce  
Head of Communications  
Torbay Council

Tel: 01803 208832  
Email: [michelle.pierce@torbay.gov.uk](mailto:michelle.pierce@torbay.gov.uk)  
3rd Floor, Tor Hill House, Union Street, Torquay, TQ2 5QW

**Communications Team**  
[communications@torbay.gov.uk](mailto:communications@torbay.gov.uk)



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Information in this message is confidential and may be legally privileged. It is intended solely for the person to whom it is addressed. If you are not the intended recipient, please notify the sender, and please delete the message from your system immediately.

# Agenda Item 4

## Appendix 11



Councillor Haddock  
Private and Confidential  
Churston Farm Shop  
Dartmouth Road  
Brixham  
TQ5 0LL

**Please reply to:** Amanda Barlow  
Deputy Monitoring Officer  
Legal Services  
Electric House  
Castle Circus  
Torquay, TQ1 3DR  
**Telephone:** 01803 207172  
**E-mail:** Amanda.barlow@torbay.gov.uk  
**Website:** www.torbay.gov.uk  
**Date** 17 May 2016

---

Dear Councillor Haddock

### **Complaint of Alleged Misconduct**

Thank you for your letter dated 11 May 2016. I have responded to the points you have raised in turn, therefore please read this letter in conjunction with your letter dated 11 May 2016.

1. Who raised the complaints?

Councillor John Thomas has made the complaints.

2. Comments and Independent Person.

The comments you made at the Council meeting on 3 February 2016 during the debate of Torbay's Housing Strategy 2015-2020. In particular, 'is it divide and rule by the staff or something'.

The Independent Person received a transcript of the recording and their opinion was sought during a meeting that had been convened in order to consider the complaints.

The complaint made against Councillor David Thomas has been dealt with separately and is now concluded.

3. Radio One Big Weekend.

It is claimed the comments you made and subsequently printed in the Herald Express Article dated 3 February 2016, were inaccurate.

The Assistant Director for Community and Customer Services has undertaken a report which I will share with you during our meeting on 1 June 2016. If, following my

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*forward thinking, people orientated, adaptable - always with integrity.*

If you require this in a different format or language, please contact me.

investigation I conclude a breach of the Code of Conduct has arisen; I will attach the report as an addendum to my investigation report. Of which you will be given a copy prior to any subsequent Standards hearing.

The purpose of the investigation is to establish whether there has been a breach of the Members Code of Conduct. The investigation will determine whether a breach of the following has occurred:

'5. General Obligations:

You **must not** –

(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 into disrepute'

The meeting scheduled for the 1 June 2016 will be between you and I.

The complaint and investigation is being undertaken in accordance with the 'Local Protocol for the Assessment and Determination of Allegations of Breaches of the Members Code of Conduct' which along with the Members Code of Conduct are part of the Council's Constitution. Copies for your reference are enclosed.

I look forward to meeting with you on 1 June 2016.

Yours sincerely

**Amanda Barlow**  
**Deputy Monitoring Officer**

Enc.

# Agenda Item 4

## Appendix 12

Barlow, Amanda

---

**From:** Parrock, Steve  
**Sent:** 19 May 2016 18:21  
**To:** Barlow, Amanda  
**Subject:** Confidential - Misconduct Issue

Hi Amanda,

As requested I append a copy of my aide memoir which I referred to during our recent meeting.

Regards  
Steve

Cllr Haddock at Full Council:

The member / officer protocol seeks to establish standards which both parties will honour. Unacceptable behaviour (by members or officers) inevitably undermines the mutual respect that is required for the council to optimise its performance and protect its reputation.

In this instance Cllr Haddock's reaction to a legitimate amendment at Full Council led to direct, inappropriate and factually wrong criticism of officers in the most public of places - Full Council attended by the Press, the public and staff.

As the council's Head of Paid Service I will first outline the consequences as I see them.

For staff to be accused of unprofessional conduct in a public forum is especially demoralising, not least because there is no immediate right of reply. Such behaviour impacts upon not only the staff directly involved but potentially all staff and brings the council (and the council as employer) into disrepute.

Staff present were unfairly criticised e.g. "Divide and rule by the staff or something", and had the exchange been reported upon more widely, their professional integrity and reputation could have been damaged.

All staff are working extremely hard in a challenging environment. Cllr Haddock's allegation was unfounded but even if there had been legitimate concerns, these should have been escalated via the Head of Paid Service directly and not through a public meeting.

Cllr Haddock's Media Interview:

In a press interview Cllr criticised a junior officer for the loss of an opportunity to host the Big Weekend Radio 1 festival. This has been investigated by the line manager (Fran Hughes) and found not to be the case. Even if it had been, the appropriate response would have been a referral to the Head of Paid Service or Line Manager not via a press interview.

Although not named, the officers identification can be deduced and therefore this is a clear breach of the member / officer protocol in my opinion and an action which is likely to bring the council into disrepute.

Indeed, any use of the media when it comes to an individual's performance and direct criticism of officers is unacceptable. In reality there was no prospect of Torbay hosting the event as it could not supply a site which met the requirements of the event organisers.

## Conclusion

All Councillors are provided with formal training through induction, on-going support and personal guidance. The Council sets out in the Member Code of Conduct and the Member/Officer protocol the very clear expectations upon Members, and these should be demonstrated at all times. Failure to do so, in my view, brings the Council into disrepute.

All Councillors, and especially Executive Leads, need to appreciate the impact of their actions upon staff and indeed, the wider ramifications of acceptable behaviour in public office.

Sent from my iPad

# Agenda Item 4

## Appendix 13

Brookbury Quarry  
Dartmouth Road  
Churston  
Nr Brixham  
Devon  
TQ5 0LL

Telephone 01803 845837

VAT NO:1

Clr Richard Haddock  
St Marys with Summercombe Ward  
Executive Lead for Business

Amanda Barlow  
Deputy Monitoring Officer  
Torbay Council

12 June 2016

Dear Ms Barlow,

**Re: Misconduct allegations.**

I have now had the time to consider the information discussed at our recent meeting. I hence would like to raise the following questions:-

1. If there is to be a case brought against me it seems appropriate that all the supporting evidence is put into the public domain such that it can be properly scrutinised both by my legal team who will be representing me at any hearing and also by my electorate and other members of the public in the bay. The investigation report dated 14 March is currently marked "*strictly private and confidential*". Can you please confirm this is to be published and the date and intended medium of same publication?
2. Turning to that the investigation report dated 14 March, this appears the seminal document which is held up to champion the claim the Council did everything right, such that my public statements variously asserting that errors had made is held out to be wrong. Could you please explain to me which named officer has determined the report is evidence of good practice as it appears to be to be clear evidence in part of quite the contrary?
3. Turning to an e-mail in the appendix to same report dated 29<sup>th</sup> June. Could it please be set out to me in writing who or what the term "*we*" is referring to in the first line. Is this "*we*" for example the corporate view of the Council and if so how was this view arrived at and what procedures were followed?
4. Again turning to an e-mail in the appendix to same report this time dated 23<sup>rd</sup> June. Could it please be set out to me in writing the purpose of the comment "*Mate, What do you think and*

*keep this one to yourself, Cheers*” was. From who did this information need to be withheld? Further, when was this information first drawn to the attention of elected members?

5. It appears from other e-mails that one specific officer was singled out for criticism for variously being allegedly unhelpful – I note the phrase “putting obstacles in the way” is used apparently by the agent for Elton John. Where does the Council stand legally in publishing a report which names and is critical of a junior officer and where do I stand legally when my legal team cross examine officers on this report to defend the unjustified allegations of misconduct that have now been brought against me?

I look forward to your response.

Yours sincerely



Richard Haddock

# Agenda Item 4

## Appendix 14



Councillor Haddock  
Private and Confidential  
Churston Farm Shop  
Dartmouth Road  
Brixham  
TQ5 0LL

**Please reply to:** Amanda Barlow  
Deputy Monitoring Officer  
Legal Services  
Electric House  
Castle Circus  
Torquay, TQ1 3DR  
**Telephone:** 01803 207172  
**E-mail:** Amanda.barlow@torbay.gov.uk  
**Website:** www.torbay.gov.uk  
**Date** 20 June 2016

---

Dear Councillor Haddock

### **Complaint of Alleged Misconduct**

Thank you for your letter dated 12 June 2016 of which I acknowledge receipt.

In response to your letter, I shall address each paragraph chronologically, where appropriate to do so.

Paragraph 1 and in turn, paragraph 5 –

Whilst for your information I provided you with a full copy of the said report, I have requested that the Assistant Director, Frances Hughes provides me with a redacted copy which seeks to remove any information that would not be appropriate to put in to the public domain. It is this said report which will be an addendum to my report and shall be made available to the public. The date of publish will be in accordance with the requirements of a Standard Committee Hearing.

As stated, the report will be redacted. In respect of cross examination, your legal team will be able to ask questions of the Assistant Director, Frances Hughes who is the author of the said report.

Paragraph 2 –The purpose of the report dated 14 March 2016 is to determine whether your assertions in the Herald Express article dated 3 February 2016 were accurate and whether you had acted in accordance with that reasonably expected of you as an appointed Councillor. It is not and has never been requested for the purpose to champion a claim that the Council did everything right.

Paragraphs' 3 and 4 –

I respectfully submit that whilst this is of interest to you, it is not relevant to my investigation and shall not feature in the findings of my report.

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

torbaycouncil

@Torbay\_Council

+torbaycouncil

*forward thinking, people orientated, adaptable - always with integrity.*

If you require this in a different format or language, please contact me.

In concluding, I ask that you await receipt of my report before submitting further questions. My reason for this respectful request is that the report may answer any questions you may have and if it does not, it will be appropriate for you to raise these at a subsequent Standards Committee Hearing.

Yours sincerely

**Amanda Barlow**  
**Deputy Monitoring Officer**

*Investigation Report*

**RE: Complaint that junior officers turned away key entertainment events**

**Date: 14th March 2016**

**Compiled By: Frances Hughes**

**Strictly Private and  
Confidential**

## **Background**

### **Terms of reference**

On Wednesday 3<sup>rd</sup> February 2016 an article appeared on the front page of the Torquay Herald Express reporting claims made by Councillor Richard Haddock that Torbay Council had lost out of hosting the Radio One Big Weekend and Elton John. Cllr Haddock claimed Radio 1 approached the council five or six months ago but 'junior council officers' said they were unable to help because there was no licensed venue in the Bay able to accommodate 25,000 people. He said his claims were "100 per cent guaranteed. No ifs and buts," he said adding that neither the mayor nor councillors were made aware of the approach until after the radio representatives were sent away.

According to Cllr Haddock, the same thing happened after a promoter looking after Elton John and Rod Stewart made an approach to stage two concerts in the Bay, with Clennon Valley in Paignton, being highlighted as a possible venue. That never came to anything either.

<http://www.torquayheraldexpress.co.uk/Look-missed/story-28655330-detail/story.html>

### **Allegation(s)**

- That junior officers turned away high profile events from coming to the Bay namely Radio One
- That elected members and the Mayor were not made aware of the approaches until after Radio one were sent away.
- That junior officers turned away high profile events from coming to the Bay namely Rod Stewart and Elton John

### **Parties involved**

Councillor Haddock alleged that the officers involved in this refusal were xxxxx and xxxxx. xxxxx is currently absent from work on long term sick leave and therefore has not be directly spoken to. xxxxx has been spoken with by xxxxx about the allegations.

In addition, I have spoken with xxxxx as xxxxx line manger to ascertain what occurred.

At the time Elton Johns agent made the approach to the council in 2013 the Head of Service was xxxxx. xxxxx no longer works for the Council and has therefore not been spoken with.

At the time of the Radio One approach xxxxx was the Service Manger responsible for the events team. xxxxx no longer works for the council and has therefore not been spoken with. However, I was the Assistant Director at the time and was not informed of the Radio One approach.

## **Factual Information**

### **Allegations and responses**

#### **The allegation**

**That junior officers turned away high profile events from coming to the Bay namely Radio One;**

**That elected members and the Mayor were not made aware of the approaches until after Radio one was sent away.**

#### **Response**

It is clear that there was email communication between xxxxx from Radio One and xxxxx over the summer 2015. Radio One specifically asked for an events site which could accommodate 25,000 people per day in May 2016. They were looking for a location in Devon/xxxxx, xxxxx or xxxxx. These emails are very informal and exploratory only. Xxxxx from Radio One has worked with Torbay Council previously and is well known to xxxxx and other officers. The emails from xxxxx are positive.

On 29<sup>th</sup> June 2015 xxxxx emailed Radio One with a possible site in Brixham, which is not in the Council's ownership but appears to be land owned by Councillor Richard Haddock. xxxxx explains that there is not a premises licence in existence on that

site and that a licence would need to be applied for.

Radio One appear not to have followed this up. In September 2015 xxxxx contacts them again and also enquires whether Radio One are interested in helping us with our own music event for 12,000 in 2016 (a candidate for Coastal Communities Funding). There is no response to this.

During that same month xxxxx then goes on sick leave, and to date is yet to return to work

Torbay does not have a recognised event site with a current licence which could accommodate a music event for 25,000 as proposed by Radio One. Whilst it may be possible to identify such a site if required, this is unlikely to be in the Council's ownership. This would then require: landowner permission; licensing application to be made and approved; infrastructure to be provided; event management plans to be resourced by the Council.

If the Radio One approach had been taken further it would have needed a resource decision to be made, as with 4 other Coastal Community Events planned for 2016. This would have required Elected members and the Mayors involvement.

There is no evidence that xxxxx raised this informal approach with Senior Management or Elected Members. However, in the absence of a formal approach for a specific piece of land there would not have been an automatic requirement to do so.

**Other witnesses**  
**Any other relevant supporting information**

## Allegations and responses

### The allegation

**That junior officers turned away high profile events from coming to the Bay namely Rod Steward and Elton John**

### Response

The agent for Elton John appears to have made an

approach to the Council in 2013 and was very interested in Clennon Valley sports pitches for a 10,000 seated event. This site does not have a premises licence, or sufficient parking/traffic management in place to host such an event. Anecdotally it appears that xxxxx and xxxxx determined that it was not appropriate to apply for a speculative premises licence for this site at the time. [Note: this was also the time when the Velopark development was progressing for the same site].

Again anecdotally it appears that xxxxx took the agent on a tour of the Bay and the agent subsequently complained to the Mayor and xxxxx that xxxxx was not helpful during this process. Sometime later xxxxx was asked by the Mayor to make another approach, but by that time the decision had been taken to stage the event in Exeter.

Given that this issue is now 3 years old and that xxxxx and several of her management team no longer work for the council it is not possible to investigate this allegation further. However, what is clear is that if the agent complained to the council about the attitude of a member of staff at the time, then there would have been the opportunity for the Head of Service and/or the Mayor to take corrective action. I have no information that any corrective action with the agent was undertaken. There may of course been other considerations which were taken into account at the time eg work commencing at the Velopark in 2013/14 which would have precluded the Clennon Valley site being utilised, however, I can only speculate as to whether or not this was one of the considerations.

### Summary

**For Radio One:** There is no evidence that officers refused this opportunity. In fact the opportunity was never offered; there was only an exploratory email conversation with Radio 1. Torbay did not and does not have an event site capable of hosting a music event for 25,000 people. Despite this, the Officer did offer alternatives.

**For Elton John:** The issue is over 3 years old and some staff involved are no longer employed by the

Council. The issue of xxxxx attitude was raised at the time and corrective action with the promoter could have been undertaken if it was deemed necessary. It cannot be concluded that the event did not progress to a more formal discussion based on the "junior officers" actions alone, as senior management and politicians at the time had the opportunity to progress the relationship.

### **Conversation with Cllr Haddock post Press article**

During the week following the Herald Express article I approached Councillor Haddock to raise my concerns that he had not spoken to me about the press article before he went to the press. Cllr Haddock told me that he had proof and that he did not go to the Herald, they came to him. I suggested that even if this was the case it would have been prudent for Cllr Haddock to discuss it with me as Assistant Director to check the facts before he spoke to the press. Cllr Haddock told me that it was all true and that if I didn't believe him I should phone the promoter. Richard told me that if members had been advised and involved in these discussions at the time then we would not have lost the events. I told him they were not ours to lose. He then questioned whether I would raise any approaches by promoters with Elected Members in the future. When I told him that would depend on the circumstances, he turned away from me and walked out of the room. At no time has Richard spoken with me about this matter again. (see attachments)

### **Conclusion**

- (i) That junior officers turned away high profile events from coming to the Bay

There is no evidence to suggest that junior officers acting independently have turned away either Elton Johns promoter or Radio One. For Elton John, Senior officers and the Mayor were involved and could have taken corrective action, and may well have done so, but this cannot be verified.

- (ii) That elected members and the Mayor were not made aware of the approaches until after Radio one were sent away.

There is no evidence to suggest that officers turned Radio One away. There is clear communication between an officer and Radio One and

offers sites other than those on council land to the Radio One representative. This was not escalated as there was no formal approach made or any specific piece of land which Radio One came back to the council to ask for further information.

### **Outstanding Matters**

What I have been unable to ascertain is whether or not there was a relationship between xxxxx and Cllr Haddock in relation to the Radio One event. In responding to Radio One the only land offered by xxxxx was private land belonging to Richard Haddock. This may be because it is the only land that was of sufficient size that xxxxx identified, but it is unusual to offer land that is not in the councils control. I asked Internal Audit to seek emails between the two, but these have not provided any information.

### **Specific Questions**

In response to your specific questions:

- 1. Whether the Big Weekend representatives spoke with a junior officer, the questions that were asked and responses provided?**

Yes, there is email correspondence between xxxxx and xxxxx from BBC Radio One. These are attached below.

- 2. Whether following the alleged approach by the Big Weekend representatives, either the Mayor or Councillors were advised of the approach by the Big Weekend?**

The Mayor and Elected representatives were not made aware of the approach.

- 3. Whether Councillor Haddock had spoken to you or other officers in your team to clarify the situation before making the statement to the Herald express?**

No Councillor Haddock did not have conversation with either me or other officers within my team before making the statement to the Herald Express.

### **Additional information**

Email account of FH discussion with Cllr Haddock  
Email from xxxxx including emails from xxxxx



Scanned from  
XEROX7556\_ROE3.pdf



Clr Haddock.msg



Radio 1 Elton  
John.msg

**Frances Hughes**  
**14<sup>th</sup> March 2016**

## Hughes, Frances

---

**From:** Hughes, Frances  
**Sent:** 09 February 2016 15:12  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Cllr Haddock

[REDACTED]

Richard Haddock just wandered into the office and asked me if everything was o.k. I took the opportunity to raise last weeks Herald Express article about officers in my area and my disappointment that he had not spoken to me first so that the facts could be established. I told him that it was unfair of him to have gone to the press when the officers have no right of reply and it damages the reputation of the council and my team.

He became agitated and said that he had proof and that he didn't go to the press, they went to him. I advised that even though this was the case he should not have spoken to the press, and all enquiries should have gone through the press office. He claims that we can contact the promoter to verify his claim.

The discussion became quite heated with Richard not giving any ground he alleges that officers are deliberately hiding things from Members and Richard walked out.

Whether or not he is correct in his claim is immaterial. The issue is that he believes it is acceptable to make claims to the press without discussing it with me as the Head of Service before hand and he has no intention of having those discussions.

[REDACTED] fortunately heard the whole thing.

Can we discuss when we next meet.

Thanks

Fran

**Frances Hughes**  
**Assistant Director (Community and Customer Services)**  
**Torbay Council**  
**01803 208002**

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## Hughes, Frances

---

From: [REDACTED]  
Sent: 03 February 2016 17:23  
To: Hughes, Frances  
Cc: [REDACTED]  
Subject: Radio 1/Elton John  
Attachments: Scanned from XEROX7556\_ROE3.pdf

Hi Fran,

I have found the attached emails from [REDACTED] to Radio 1. Replies from Radio 1 were not received as far as I can see in [REDACTED] emails.

The issue in Torbay is that we did not have the land available to host such a large event which was licensed. This is why I believe Radio 1 went to Powderham as it's a dedicated event space now with a license.

With Elton John, in 2013 the agent desperately wanted Clennon Valley for 10,000 seated. A decision was made by [REDACTED] not to apply for a licence for the site, I believe he had the support of [REDACTED] for not applying for a license but it was a mistake. On the trip the agent had around the Bay with [REDACTED] he expressed concerns to the Mayor and [REDACTED] that we were putting obstacles in the way rather than finding ways to make the event happen and he was critical of [REDACTED]. I was asked by the Mayor to contact the agent again at the end of last year as I was keen to appease the agent and apply for a licence at Clennon Valley but it was too late he had gone to Exeter.

Hope this helps.

Regards,  
[REDACTED]

[REDACTED]  
[REDACTED]  
Community and Customer Services  
Torbay Council  
Town Hall  
Castle Circus  
Torquay  
Devon  
TQ1 3DR  
Tel 01803 [REDACTED]  
Email [REDACTED]



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[REDACTED]  
From: [REDACTED]  
Sent: 23 June 2015 09:52  
To: [REDACTED]  
Subject: FW: Radio 1's Big Weekend

Categories: Event

Mate

What do you think and please keep this one to yourself.

Cheers

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
Town Hall  
Torquay  
TQ1 3DR  
[REDACTED]

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From: [REDACTED]  
Sent: 23 June 2015 09:44  
To: [REDACTED]  
Subject: RE: Radio 1's Big Weekend

Hi [REDACTED]

Thanks for getting back to me, we would be looking for a 25,000 capacity site per day in May.

Are you able to send me a list of potential sites to consider?

[REDACTED]  
From: [REDACTED]  
Sent: 23 June 2015 09:27  
To: [REDACTED]  
Subject: RE: Radio 1's Big Weekend

Hi [REDACTED]

Yes fine thank you and yourself. I see you have been busy again this year and I believe [REDACTED] enjoyed the time at the Big Weekend.

We would love to have you back again and to consider sites what capacity are you looking for and what month?

Best wishes

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
Town Hall  
Torquay  
TQ1 3DR  
[REDACTED]

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From: [REDACTED]  
Sent: 22 June 2015 14:26  
To: [REDACTED]  
Subject: Radio 1's Big Weekend

Hi [REDACTED]

I hope this email finds you well?

We are currently shortlisting potential locations for BBC Radio 1's Big Weekend for 2016, currently we have short listed down to 3 areas within the UK these are Devon/[REDACTED]

With this in mind I wanted to enquire as to whether this would be of interest to Torbay Council? What suggested sites would you put forward for consideration?

Best  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

BRITISH BROADCASTING CORPORATION  
✉ W1 NBH 08 B, BBC New Broadcasting House, Portland Place, London, W1A 1AA  
[REDACTED]

-----  
<http://www.bbc.co.uk>

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Please note that the BBC monitors e-mails sent or received.

Further communication will signify your consent to this.  
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Please note...

[REDACTED]  
From: [REDACTED]  
Sent: 29 June 2015 11:51  
To: [REDACTED]  
Subject: FW: Event Maps  
Attachments: Access Plan.pdf; Site A.pdf; Site Location.pdf

Hi [REDACTED]

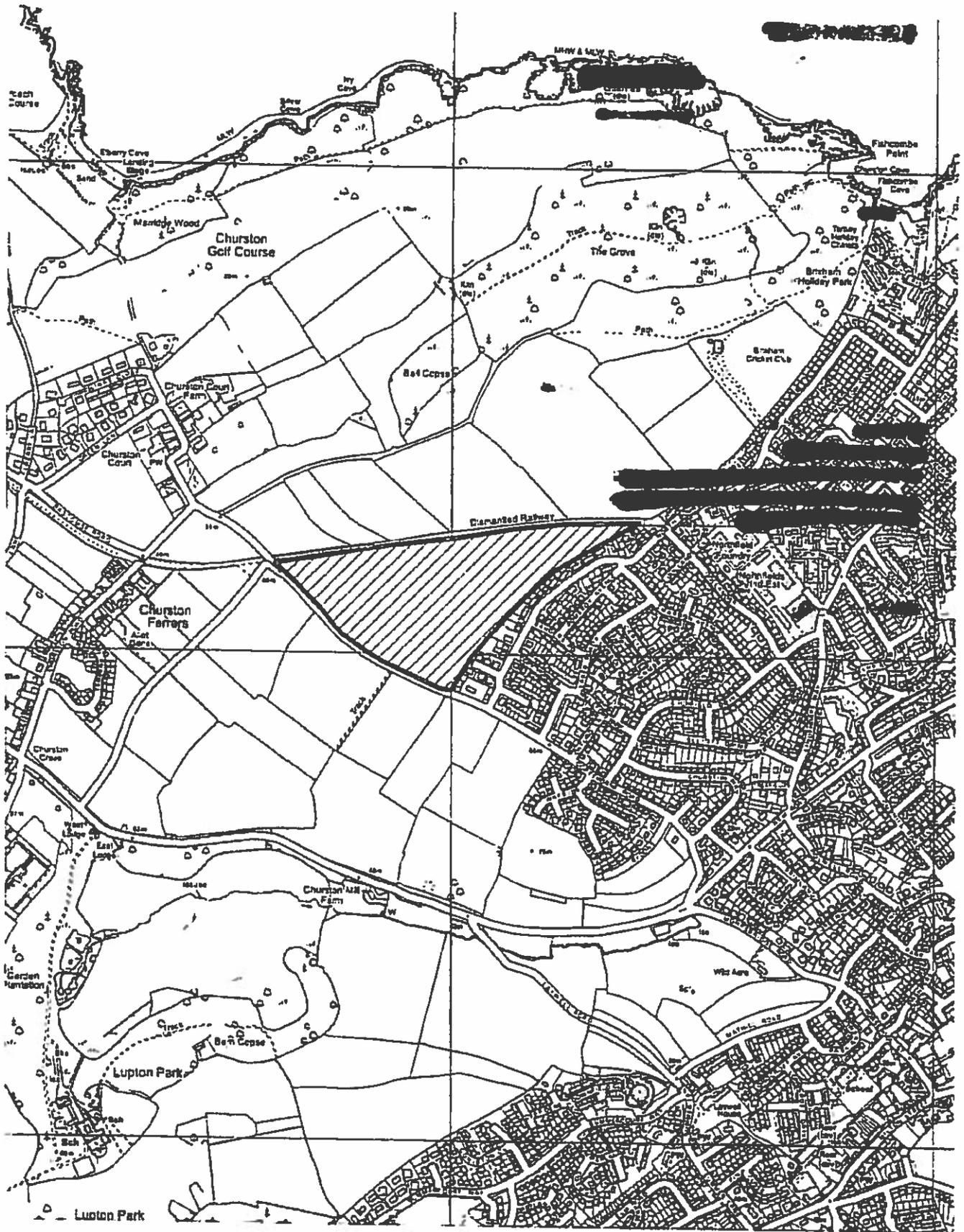
Please find attached maps of an area in Brixham that we would like to suggest. This area is a local farmers field and it does not hold an entertainment licence so a licence would have to be applied for.

Let me know what you think.

Best wishes

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
Town Hall  
Torquay  
TQ1 3DR  
[REDACTED]

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Site A 116,000m<sup>2</sup>  
TQ5 0JE

[Redacted]

---

From: [Redacted]  
Sent: 10 September 2015 11:57  
To: [Redacted]  
Subject: Music Event

Hi [Redacted]

We are looking to host a music event on Paignton Green in 2016 and we do have a start up fund to assist this but we do have to make the event sustainable. Would you be interested in coming to Paignton to deliver an event for around 12k capacity that fits in with your plans.

Any news on the potential May event as I have heard a whisper that this will be in [Redacted].

Best wishes

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

Lower Ground Floor  
Town Hall  
Torquay  
TQ1 3DR

[Redacted]

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SUPPLEMENTARY SUBMISSION TO TORBAY COUNCIL STANDARDS COMMITTEE.

1. KEY DATA,

**To:** Amanda Barlow, Monitoring Officer, Torbay Council.  
**From:** Cllr. John Thomas. Blatchcombe Ward.  
**Purpose:** Supplementary submission to my original submission.  
**Subject:** Allegation of a breach of the Member Code of Conduct and/or Protocol.  
**Complaint re:** Cllr. Richard Haddock.  
**Complaint by:** Cllr John Thomas.

2. PREAMBLE.

2.1 I was interviewed by Ms. Amanda Barlow (Torbay Council Monitoring Officer) at 10:00 hrs on Monday 23 May 2016, subsequent to my original submission of allegation of a breach of the Member Code of Conduct and/or Protocol by Cllr Richard Haddock. Ms. Barlow has requested that I confirm, in writing, the comments that I made at the 23 May 2016 interview. In accordance with that request I herewith submit this supplementary document.

3. SUPPLEMENTARY SUBMISSION.

3.1 During my nine (9) consecutive years as an Elected Member of Torbay Council, I have – *without exception, and at all times* – found that all Officers with whom I have had dealings have at all times been helpful, courteous, honest, considerate, informative, and highly professional. They have at all times all performed to the highest degree of integrity.

3.2 The challenging of a potential breach of the Member/Officer Code of Conduct and/or Protocol by a Member is an important part of due process. The challenging and adjudication of an alleged breach by the Peers of the Member(s) concerned is crucial to the maintenance of good order, respect for each other, and courtesy to each other in all of our dealings. I have therefore submitted my allegation in accordance with the Code and Protocol with a request that the Standards Committee investigate, consider, and determine whether such incidents, words and actions by Cllr Richard Haddock brought the council into disrepute and – if so – what action the Standards Committee may recommend

3.3 All members and Officers are duty bound to operate within the Member & Officer Code of Conduct and/or Protocol in all actions taken by them both jointly and severally. The Code of Conduct clearly delineates and sets out the boundaries within which all members and officers are required to operate and is there for a very good reason. *Any* breach of the Member/Officer Code of Conduct and/or Protocol puts the stability of the entire Code at risk. The consequences of such a breach could – *“in extremis”* – result in a breakdown of order within the affairs of the Council, potentially leading to chaos in the orderly operation of the Council as well as having the potential to bring the Council into disrepute. It is therefore essential that any alleged breach of the Code is challenged by the Peers of the alleged offender.

3.4 To paraphrase the Poet – Edmund Burke:-

*“It only takes one Man to stay silent in the face of wrong for wrong to prevail”.*

- 3.5 I believe that a number of breaches of the Member Code of Conduct and/or Protocol may have occurred on 3 February 2016 in a manner that I described in my original submission of allegation. *I make no change to that submission.* This document is intended to further clarify my reasons for the complaint that I originally made via due process.
- 3.6 I believe that the comments made by Cllr Richard Haddock and as described in my original submission to the Torbay Council Standards Committee, were:
- i). wholly unfounded
  - ii). not supported by the production of any evidence.
  - iii). wholly unreasonably & unfairly questioned the integrity of Professional Officers
  - iv). brought the Council into disrepute.
- 3.7 If Cllr Haddock had any evidence to support his very serious allegations, I submit that it would have been reasonable for Cllr Haddock to table the evidence at a private meeting with the Torbay Council Monitoring Officer and for him to follow the internal complaints procedure. However, and most seriously, Cllr Haddock made his allegations in the most public of public forums and without any evidence whatsoever being produced.
- 3.8 Cllr Haddock is an elected Councillor who is therefore in a position of Standing and Public trust. It is not therefore unreasonable to assume that an average member of the public could have seen Cllr Haddock's totally unfounded comments to have had substance. The fact that the comments were wholly unfounded and totally without evidence has led me to refer the matter to the Standards Committee.
- 3.9 Our Officers deserve better treatment than was the case on 3 February 2016.
- 3.10 The elected member colleagues of Cllr Haddock deserve better treatment than was the case on 3 February 2016
- 3.11 The electorate of Torbay deserve better treatment than was the case on 3 February 2016.

4. .... & FINALLY.

As confirmed in my original submission, I request the Standards Committee to investigate, consider and determine whether the words and actions of Cllr Haddock were a breach of the Member and Officer Code of Conduct and/or Protocol and if so, what action – if any – the Standards Committee may recommend.

**Cllr John Thomas.**  
**Complainant.**  
**25 May 2016.**

Communications & Media Skills Attendance					
Member	10am Expected	Attended	4pm Expected	Attended	Signature
Cllr Arnill					
Cllr Barnby					
Cllr Bent			✓	✓	
Cllr Brooks		<del>✓</del>	✓	✓	
Cllr Bye	✓	✓			
Cllr Carter					
Cllr Cunningham			✓	✓	
Cllr Darling (M)			✓	✓	
Cllr Darling (S)			✓	✓	
Cllr Doggett					
Cllr Ellery	✓	✓			
Cllr Excell					
Cllr Haddock	<del>✓</del>	<del>✓</del>	✓	✓	
Cllr Hill			✓	✓	
Cllr King	✓	✓			
Cllr Kingscote					
Cllr Lang					
Cllr Lewis		<del>✓</del>	✓	✓	
Cllr Manning					
Mayor					
Cllr Mills	<del>✓</del>	<del>✓</del>	✓	✓	
Cllr Morey	✓	✓			
Cllr Morris	✓	✓			
Cllr O'Dwyer					
Cllr Parrott					
Cllr Pentney					
Cllr Robson	✓	✓			
Cllr Stockman	✓	✓			
Cllr Stocks					

Member	Expected	Attended	Expected	Attended	Signature
Cllr Stringer					
Cllr Stubley	✓	✓			
Cllr Sykes	✓	✓			
Cllr Thomas (D)	<del>✓</del>	<del>✓</del>	✓	✓	
Cllr Thomas (J)				<del>✓</del>	
Cllr Tolchard					
Cllr Tyerman			✓	<del>✓</del>	
Cllr Winfield				✓	
Bxm T Cllr Addison					
Bxm T Cllr Carr					
Bxm T Cllr Clarke					
Bxm T Cllr Clutterbuck					
Bxm T Cllr Regan					
Bxm T Cllr Campbell					
Bxm T Cllr Giles					
Bxm T Cllr Stock					
Bxm T Cllr Walker-Haworth					
Bxm T Cllr Wilbraham					

28th May

Code of Conduct					
Member	10am Expected	10am Attended	4pm Expected	4pm Attended	Signature
Cllr Amil					
Cllr Barnby					
Cllr Bent	X				
Cllr Brooks				✓	
Cllr Bye	X				
Cllr Carter					
Cllr Cunningham					
Cllr Darling (M)					
Cllr Darling (S)					
Cllr Doggett					
Cllr Ellery			✓	✓	
Cllr Excell				✓	
Cllr Haddock			✓	✓	
Cllr Hill	X				
Cllr King	X	✓			
Cllr Kingscote			X		
Cllr Lang					
Cllr Lewis		✓			
Cllr Manning					
Mayor				✓	
Cllr Mills	X				
Cllr Morey		✓			
Cllr Morris					
Cllr O'Dwyer					
Cllr Parrott					
Cllr Pentney					
Cllr Robson	X	✓			
Cllr Stockman		✓			
Cllr Stocks					

Member	Expected	Attended	Expected	Attended	Signature
Cllr Stringer					
Cllr Stubley		✓			
Cllr Sykes		✓			
Cllr Thomas (D)					
Cllr Thomas (J)					
Cllr Tolchard		✓			
Cllr Tyerman		✓			
Cllr Winfield					
Bxm T Cllr Addison	X	X			
Bxm T Cllr Carr	X	X			
Bxm T Cllr Clarke	X				
Bxm T Cllr Clutterbuck	X	✓			
Bxm T Cllr Regan	X	X			
Bxm T Cllr Campbell	X				
Bxm T Cllr Giles					
Bxm T Cllr Stock	X	X			
Bxm T Cllr Walker-Haworth	X				
Bxm T Cllr Wilbraham	X				
Bxm T Clerk T Hallett					

### Scope

3. You must comply with this Code whenever you are acting in your official capacity, when:
  - (a) you are engaged on the business of the Council; or
  - (b) you behave so as to give a reasonable person the impression that you are acting as a representative of the Council or in your capacity as a Member.

### General obligations

4. You **must** –
  - (a) treat others with courtesy and respect,
  - (b) when reaching decisions on any matter, do so on the merits of the circumstances and in the public interest **and** have reasonable regard to any relevant advice provided to you by an officer of the Council.
5. You **must not** –
  - (a) attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage;
  - (b) do anything which may cause the Council to breach a statutory duty or any of the equality enactments (as defined in section 149 of the Equality Act 2010 the requirements of which are included at appendix B);
  - (c) bully any person (bullying may be characterised as any single act or pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse or misuse of power or authority which attempts to undermine or coerce or has the effect of undermining or coercing an individual or group of individuals by gradually eroding their confidence or capability which may cause them to suffer stress or fear);
  - (d) intimidate or attempt to intimidate any person who is or is likely to be –
    - (i) a complainant,
    - (ii) a witness, or
    - (iii) involved in the administration of any investigation or proceedings,in relation to an allegation that any Member has failed to comply with the Council's Code of Conduct; or
  - (e) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council;

(f) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where –

- (i) you have the consent of a person authorised to give it;
- (ii) you are required by law to do so;
- (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
- (iv) the disclosure is –

- (A) in the public interest; and
- (B) made in good faith and
- (C) in compliance with the reasonable requirements of the Council;

(g) prevent another person from gaining access to information to which that person is entitled by law;

(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 into disrepute.

## PART 2 INTERESTS

### Registration of Interests

6. You must, within 28 days of—

- (a) this Code being adopted by, or applied to, the Council; or
- (b) your taking office as a Member or Co-opted Member of the Council,

whichever is the later, and annually thereafter, provide written notification to the Council's Monitoring Officer of:

- (i) any disclosable pecuniary interest as defined by Regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife); and
- (ii) any other personal interest as may be defined by the Council from time to time;

which will be recorded in the Council's Register of Members' Interests and made available for public inspection including on the Council's website at:  
<http://www.torbay.gov.uk/DemocraticServices/mqMemberIndex.aspx?bcr=1>

6.1 Within 28 days of becoming aware of any new interest or change to any interest already registered, you must register details of that new interest or change by providing written notification to the Council's Monitoring Officer.

6.2 Whether or not an interest within paragraphs 7.1 and 7.2 below has been entered onto the Council's register, you must disclose any interest to a meeting at which you are present in any matter being considered, in accordance with paragraph 8 below, unless that matter is 'sensitive information'.

- (iv) Agreed by the relevant senior officer;
- (v) Politically impartial and not influenced by an officer’s own political views or preferences.
- (f) Reports that contain all the relevant issues, that do not contain irrelevant matters and that set out all the options it is reasonable for the decision-maker to consider.
- (e) Regular, up to date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold.
- (f) That ward members will be kept informed of matters affecting their ward. Where practicable, ward members will be given reasonable advance warning of Council activities relating to their ward.
- (g) Awareness of and sensitivity to the political environment.
- (h) Appropriate knowledge and skills and a commitment to undertake training and development in order to carry out their role effectively.
- (k) Integrity, mutual support and appropriate confidentiality.
- (l) Not to have personal issues raised with them by officers or to use their relationship with members to advance their personal interests or to influence decisions improperly.
- (m) That where officers wish to bring forward new policy initiatives these will first be discussed with the elected Mayor, the Executive, or Executive member, as appropriate.
- (n) That officers will at all times comply with the Employee Code of Conduct.
- (o) That when dealing with the media, officers will act in a fair, balanced, reasonable and non-political manner.

### **8.2 Opposition members**

As individual members, all members have the same rights and obligations in their relationship with officers and will be treated equally. This principle is particularly important in the context of the Council’s Overview and Scrutiny Board, its sub-committees or any working parties of the Board. However, where a political group forms a majority group (either alone, or in partnership with another group), it is quite proper that the relationship between senior officers and the majority group will differ from that with opposition groups, given that the majority group will be able to determine the Council’s policies and budget.

## **9. What Officers May Expect From Members**

### **9.1 All officers are entitled to expect from members:**

- (a) A working partnership.

- (b) An understanding of and support for respective roles, workloads and pressures.
- (c) Political leadership and direction.
- (d) Integrity, mutual support and appropriate confidentiality.
- (e) Courtesy and civility, and not to be subject to bullying or harassment or to be put under undue pressure.
- (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 the Chief Executive in the case of posts at Executive Head level and above in accordance with paragraph 16.
- (g) Proper consideration of the seniority of officers in determining what are reasonable requests, having regard to the power relationship between members and officers, and the potential vulnerability of officers, particularly at junior levels. All requests for officer attendance at meetings should be made through the relevant Executive Head or Service Manager.
- (h) That members will not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly.
- (i) That when seeking advice members will do so at the earliest reasonable opportunity and will disclose if another officer has also been approached about the matter.
- (j) When members require officers to attend meetings they should give those officers as much notice as possible to allow sufficient preparation time and for the meeting(s) to be diarised.
- (k) That members will at all times comply with the Member Code of Conduct.

## **10. Officer Advice to Political Groups**

- 10.1 Political groups have an important part to play in the development of policy and the political management of the Council. It is in the interest of the Council to support effective operation of political groups, but their operation can pose particular dangers in terms of the impartiality of officers. It is common practice for political groups to give preliminary consideration to many matters of Council business in advance of such matters being considered by the relevant Council decision making body. Party groups may properly call upon officers to support and contribute to such deliberations.
- 10.2 Such support shall only be sought from senior officers and all requests for such support must be made via the appropriate Director. This can take many forms ranging from a briefing meeting with the elected Mayor or Executive Member prior to a formal meeting, to a presentation to a full party group meeting. Whilst in practice, such officer support is likely to be most in demand from whichever party