

**Investigation into a Complaint under the Code of Conduct  
in respect of Councillor David Leal-Bennett**

**North Hertfordshire District Council**

Following the meeting of the Standards Sub-Committee of NHDC on 2 December 2015, Councillor Leal-Bennett provided certain statements. I have been asked as the investigating officer, to consider whether or not the persons Councillor Leal-Bennett has now produced statements from, are needed to give evidence at the hearing.

My more detailed comments are set out below, but as my supplementary report provides, I feel that very largely the comments of any of the persons who have provided statements to Councillor Leal-Bennett which he has produced in his Defence, are not material to the Code of Conduct complaints made against him. For example, it is clear from many of the statements he has provided that Cllr Leal-Bennett is deeply committed to the services of Hitchin, and to do the very best, as he sees it, for the town, and I have no reason to doubt that this is the case. Cllr Leal-Bennett and some of his witnesses are evidently concerned as to the way in which they feel the council operates, and in particular, how the Hitchin Town Hall project has been conducted, and have fairly consistent ( and positive) views as the qualities of Cllr Leal-Bennett and how he performs his role within the Council.

However, I struggle to see how these views are directly relevant to either proving or dismissing the complaints under the Code of Conduct, about which the Sub-Committee is concerned, who will be looking at the behaviour complained of under the Code of Conduct which the Council has adopted and not, for example, as many of the statements speak of, how this behaviour would be viewed in commercial or corporate life elsewhere. I would view most of the statements as more akin to evidence to be taken into account in terms of mitigation for his actions, or as character references rather than evidence which disproves the evidence attached to my report and upon which I have based my findings.

I have not of course had the opportunity to interview either Cllr Leal-Bennett or any of the persons who have made the statements he has now produced. This is a matter of some considerable regret, as if I had had this opportunity I would have been able to form my views about this potential evidence, tried to elicit more facts rather than opinion from those I could interview as part of my investigation and thus would have been able to provide a more complete report to the Standards Sub-Committee. I feel this would undoubtedly have assisted the whole process.

I should stress that none of my comments are intended, or should be taken to be in any way to be disparaging of any of those who have made them. I intend my comments only to be of assistance to the Sub Committee in reaching their decision.

**2 Mr Charles Bunker**

2.1 There is very little evidence of fact in Mr Bunkers letter, which focuses on his own opinions. For example, much of Mr Bunkers letter concerns his views about what he describes as "the Standing of

North Herts District Council", and he gives his view about this, especially in regard to the Hitchin Town Hall project. It is for the sub-committee to make up their minds about whether or not the allegations against Cllr Leal-Bennett are proved based upon the facts and the evidence provided in my report.

- 2.2 It is important to point out to the Sub-Committee that some of Mr Bunkers statements are legally incorrect, for example his statement (paragraph 4.1) "that if any of you sitting on this Disciplinary Hearing Panel are NHDC councillors or former councillors then you should recuse yourself immediately as you cannot be independent". This is a misunderstanding of Local Government legislation and of the Code of Conduct and Standards regime brought in by the Localism Act 2011, which provides that any hearings about standards meetings must be carried out the councillors of the relevant authority. Equally, it is well established that the behaviour of councillors is able to constitute bullying.
- 2.3 Mr Bunker goes into some detail about his views of the roles regarding disclosable pecuniary interest and other interests. I do not accept, for the reasons set out in my supplementary report, the Mr Bunkers interpretation that of these matters. Other factors in Mr Bunkers statements concern the police involvement, which is, for reasons stated in my report, irrelevant in my view to the matters before the subcommittee and his hypotheses about the motives of the complainants.
- 2.4 In summary, although his letter is lengthy he has little or no hard evidence for his views and some of his statements do not reflect local government law. In my view, his comments and the weight given to them, and to the other matters in his lengthy letter to the committee in my opinion, should be very little.

### **3 Councillor Simon Harwood**

- 3.1 Councillor Harwood's "evidence" gives his own views about the behaviour of Councillor Leal-Bennett hypotheses about officers behaviour, and comments upon the culture of the Council. He does not give any evidence in relation to the particular allegations and the fact that he has "never witnessed Councillor Leal-Bennett present himself in such a manner as accused" must in my view be given little weight when contrasted with believable evidence to the contrary as a result of the investigation. As far as his comments about the DPI issues are concerned I refer to my comments in my supplementary report and my investigation report.

### **4 Peter Lilley MP**

- 4..1 Peter Lilley MP's evidence consists of an exchange of several emails between himself and Councillor Leal-Bennett. It provides some general detail of his view about the introduction of the Code of Conduct and its interpretation but is not, in my view evidence which relates to the particular facts of the matter and should be given little weight.

**5 Mr Matt Stephens**

5.1 Mr Stephens states that he has known Councillor Leal-Bennett for some time and holds him in high regard. However he does not provide further evidence beyond this in relation to the Code of Conduct complaints and his evidence therefore carries little weight in that regard.

**6 Mrs Judy Simmonds**

6.1 Judy Simmonds states that she has known Councillor Leal-Bennett for some time and again has the highest regard for him. She does not however provide any direct evidence in relation to the complaints against him and her evidence should be given little weight.

**7 Mr John Simmonds**

7.1 Mr Simmonds states that he has formed "the highest opinion" but does not give any evidence in relation to the particular complaints against Councillor Leal-Bennett under the Council's Code of Conduct and his evidence should therefore be given little weight.

**8 Mr Stephen Pike**

8.1 Mr Pike is chairman of Hitchin Town Hall Limited. He gives his views about the relationship between the Council and HTHL and why the complaints might have been made, and provides copies of correspondence with Mr Scholes. Mr Pike makes personal comments about Mr Robinson, and refers to the LGA investigation following a complaint made by HTHL about which I understand Mr Robinson was cleared. Accordingly in my view this should not be taken into account. He also makes comments upon the question of the declaration of interests which I have addressed in my two reports. I find it difficult to believe that the worsening relationship between the parties is at all relevant as justification for the behaviour on the part of Cllr Leal-Bennett which was evidenced to me, and so I believe that little weight can be given to his evidence

**9 Statement of Mrs Rosemary Read**

9.1 Mrs Read is a director of HTHL. Mrs Read's evidence relates to her views the issues generally about the Council and the running of the Town Hall project and provides some evidence the substantiate this. However, for the reasons I mention above, the concerns about how the project was run, whilst obviously, from her statement of concern to Mrs Read, are not in my view, matters which should be given much weight in relation to the particular Code of Conduct complaints made against Councillor Leal-Bennett.

**10 Mrs Janet Morrison**

10.1 Janet Morrison was a director of HTHL Limited. Her evidence relates very largely to particular commercial issues between NHDC and HTHL and to what she perceives as the qualities of Cllr Leal-Bennett. She does not however give any evidence in relation directly to the allegations relating to

Councillor Leal-Bennett under the Code of Conduct and so I am of the view that little weight should be attached to it in terms of proving or disproving the allegations against him.

**11 Statement of Mrs Rosemarie Scott**

11.1 Mrs Scott's evidence merely states her own view of the way in which Councillor Leal-Bennett has concerned and does not relate in any way to the particular allegations against him. It should be given little weight.

**12 Mr Brent Smith**

12.1 Mr Smith states that he is a director and trustee of HTHL and details some of the HTH project. . Mr Smith states that when he attended project board meetings with Cllr Leal-Bennett he "was never rude or aggressive"; he praises Councillor Leal-Bennett's hard work and commitment. Whilst his statement provides evidence as to his view of Cllr Leal-Bennett's behaviour at the project Board meetings he attended it does not in my view carry sufficient weight to override the evidence about Cllr Leal-Bennett's behaviour complained of.

**13 Mr David Morgan**

13.1 Mr Morgan states that "I wish to comment upon David Leal-Bennett's efforts on behalf of the community" and as such, his evidence goes to mitigation and it does not, in my view carry much weight in relation to the complaints.

**14 Mr Keith Hoskins**

14.1 Mr Hoskins' evidence relates to the Hitchin Area Committee meetings and the behaviour of Cllr Leal-Bennett at those meetings and his concerns for the town. It does not address however, the concerns about the meetings as expressed in the evidence in my report which is about wider matters and so I do not consider that it should be afforded very much weight in the light of those concerns; and the findings I make are not of course, limited to Cllr Leal-Bennett's behaviour at the Area Committee.

**15 Mr Christopher Parker**

15.1 Mr Parker's evidence relates in some detail to the background in relation to Hitchin Town Hall with several appendices. However much of his evidence relates to issues relating to matters which are not material to the complaints made under the Code of Conduct and so in my view, carries little weight for that reason.

**16 Dr & Mrs Michael Clarke**

16.1 The evidence of Dr Clarke and Mrs Clarke concerns their own views of the HTH project and of the role Cllr Leal-Bennett plays in the community. They also give their comments on the evidence

provided by some of the witnesses in my report, which is a matter for the sub-Committee and about which their statements should, in my view carry very little weight.

**17 Councillor Claire Strong**

17.1 Councillor Strong's evidence contains some historical matters which related to different situations. I am unable to consider those situations as I was not involved in them and as I believe that it is difficult to draw analogies or construe one situation based upon another where the full facts are not known, I would advise that little weight be placed upon her statement. Her comments about the actions of the police and interests have been dealt with in my two reports. My interpretation is that her statement does not in my view materially relate to the issues which are relevant under the Code of Conduct and should be accorded little weight.

**18 Councillor David Levett**

18.1 Councillor Levett's evidence mainly relates to his view of the qualities of Cllr Leal-Bennett. He also refers to the incident on 4 July 2014 concerning Councillor Leal-Bennett and the then monitoring officer Mrs Katie White. In his evidence it appears that Cllr Levett did not directly observe the incident concerning Mrs White but became aware afterwards, as opposed to the direct evidence of Mrs White and indeed Mrs Atley ( see below). In the circumstances I do not think that Cllr Levett's evidence should carry much weight.

**19 Councillor James McNally**

19.1 Councillor McNally gives his views about the Cllr Leal-Bennett and how he has seen him behave and gives his opinion about interests and the investigation. In my view his statement is not material to the Code of Conduct complaint and I would advise that it is given little weight.

**20 Councillor John Harris**

20.1 Councillor Harris's statement largely concerns matters which took place within the Conservative Group and makes allegations about a personal campaign and attack against Councillor Leal-Bennett. Whilst these may be his views, I would advise that in my view they are not material to the code of conduct complaints and so should be given little weight.

**22 Mrs Norma Atley**

22.1 Mrs Atley is a strategic director at HNDC and she provides evidence relating to 4 July 2014. She states that Cllr Leal-Bennett "pushed through the gap between us [herself and Mrs White] and I believe he bumped into Mrs White who had her back to him". This is consistent with the allegation of physical contact made by Mrs White in her statement to me, and if the matter is in issue the Sub-Committee may wish to accord it some weight.

**23 Ms Liz Green**

23.1 Ms Green, who is Head of Policy and Community Services at NHDC refers to attending meetings of the Hitchin Area Committees and other meetings. I do not consider that this evidence is material in relation to the complaints against him and it should be accorded little weight.

**21 Conservative Councillors Association**

21.1 Cllr Leal-Bennett has also provided copies of emails for the Conservative Councillors Association giving that bodies views about DPIs and other interests, and including via an email trail copies of emails between himself and Anthony Roche concerning this subject. I believe that this issue has been dealt with in my two reports and I do not think that these emails take the matter any further, as the issues have been aired several times and are not enhanced by repetition of the same points. Accordingly I would advise that little weight is given to them by the Sub-Committee.