

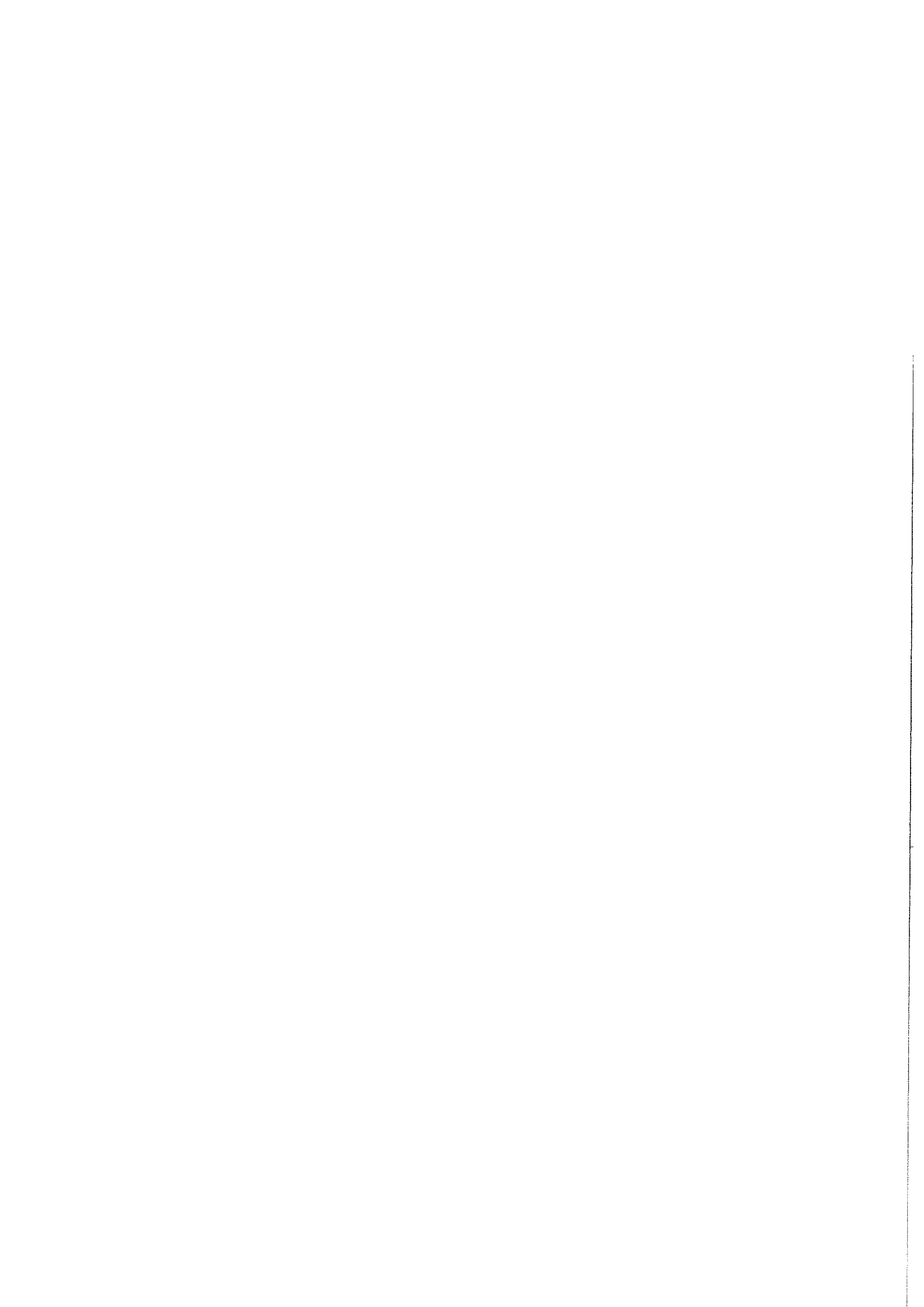
BEVAN BRITTAN REPORT

APPENDIX FOUR – THE COMPLAINT BY CLLR COWLEY

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COMPLAINT FORM

Your details

1. Please provide us with your name and contact details

Title:	Councillor
First name:	PATRICIA
Last name:	COWLEY
Address:	[REDACTED] HITCHIN HERTS [REDACTED]
Daytime telephone:	[REDACTED]
Evening telephone:	[REDACTED]
Mobile telephone:	[REDACTED]
Email address:	[REDACTED]

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

However, we will tell the following people that you have made this complaint:

- the Independent Person
- the member(s) you are complaining about
- the monitoring officer of the authority
- the parish or town clerk (if applicable)

We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it. If you have serious concerns about your name and a summary, or details of your complaint being released, please complete section 6 of this form.

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

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

3. Equality monitoring questions

This information will only be used for statistical purposes	Please tick
White British Irish Any other White background (please write in)	
Mixed White and Black Caribbean White and Black African White and Asian Any other mixed background (please write in)	
Asian or Asian British Indian Pakistani Bangladeshi Any other Black background (please write in)	
Black or Black British Caribbean African Any other Black background	

(please write in)	
Chinese or other ethnic group	
Chinese	
Any other background (please write in)	
Are you disabled?	YES / NO

Making your complaint

- You should send this form to 'The Monitoring Officer, North Herts District Council, Council Offices, Gernon Road, Letchworth, Herts SG6 3JF'
- You may also send your form as an e-form which is linked to the Council's web-site page 'How to complain about a member'. This will be sent automatically to the Monitoring Officer
- You may ask to give your complaint in person if you are unable to submit a form. Please make an appointment with the Monitoring Officer for this

The process which will be followed to consider your complaint is set out in the document 'Complaints Procedure for matters relating to the Councillors' Code of Conduct'.

4. Please provide us with the name of the member(s) you believe have breached the Code of Conduct and the name of their authority;

Title	First name	Last name	Council or authority name
Cllr	DAVID	LEAL-BENNETT	N. H. D. C

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

It is important that you provide all the information you wish to have taken into account by the Monitoring Officer or the Sub-Committee

when it decides whether to take any action on your complaint. For example:

- You should be specific, wherever possible, about exactly what you are alleging the member said or did. For instance, instead of writing that the member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

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

I believe that Cllr David Leal-Bennett under 3. Rules of Conduct in the Council's constitution, specifically under 3.4(a) not to conduct yourself in a manner which could reasonably be regarded as bringing yourself or the authority into disrepute. My evidence for this is 7th January 2015 Midweek Mercury. Copy attached, with relevant quotes highlighted. I believe that his use of language in these quotes demonstrates an intention to bring disrepute on the leader of the Council and also on some officers; therefore disrepute to the Council as a whole.

Furthermore on the 21 January 2015 the Midweek Mercury published a letter from Cllr Leal-Bennett Copy attached - passages highlighted. Again Cllr Leal-Bennett, claiming the Council might be implying he would feel untruths. Also claiming that a cynic might say the Scrutiny meeting might be seen as "covering people's backs".

The evidence, I believe is on the press, and clearly there for any member of the public to question the reputation of the Council.

Continued

I also believe Cllr Leat-Bannett has brought the Council into dispute when not declaring an interest.

I was at Hithin Area Committee on Thursday 29th January when a note on Hithin Town Hall Museum project was discussed. He did not declare an interest. His I believe to be wrong as until 2 months ago Cllr Leat-Bannett was a Director of Hithin Town Hall Ltd and may in the future be involved with any litigation that may arise from HTH Ltd's withdrawal from the project. He also publicly stated that he was trying to arrange a meeting with the Council to discuss the situation.

Tricia Cowley

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

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

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

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

If your complaint is dealt with by the Standards Sub-Committee at a hearing after an investigation you may be asked to attend as a witness.

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

Additional Help

- 6. Complaints must be submitted in writing. This includes fax and electronic submissions. However, in line with the requirements of the Equality Act 2010, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

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

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

NHDC PRESS COVERAGE



DATE: 7 January 2015
PUBLICATION: Midweek Mercury, p.6
COUNCIL CATEGORY: Cultural Services

'Undemocratic' debate over town hall slammed

Councillor pans attempts to exclude him from meetings on works

By Michael Havis
michael.havis@thameswater.co.uk

CHANGES to a town hall were not made democratically, according to a councillor who was excluded from discussions about them.

North Herts District Council (NHDC) was working with Hitchin Town Hall (HTH) Limited, a charitable trust, to convert the hall in Broad Street into a new community facility and museum.

In last week's Mercury, HTH said it had taken on £410,000 of debt funding the project, and had fallen out with the council after changes were made to the bill that would impact on its ability to repay the debt.

Councillor David Leal-Bennett said he was advised on joining the council that his role as a trustee and director with HTH constituted an interest and he should therefore not join debates on the hall.

However, despite stepping down from the trust, he was told at a council meeting about the hall on December 18 that he still had an interest in it and should still exclude himself from debates about it.

Mr Leal-Bennett said: "I had written advice from my MP, Peter



EXCLUDED
COUNCILLOR
DAVID LEAL-BENNETT
WAS EXCLUDED
FROM THE
MEETING

Lilley, stating that there was no reason for me to be excluded. I said I would stay. I believed that having trusted there was no reason for exclusion."

Yet when the meeting reached part two - where commercially sensitive information is dis-

cussed - Mr Leal-Bennett was again told to leave. He said: "I'm a trustee of the hall. I did not attend the chief executive told me if you don't take the monitoring officer's advice, you are at risk with regards to the council's insur-

ance. This was just another attempt to intimidate and bar me. Under the circumstances I felt the best thing to do was reluctantly leave the room for part two."

only member that could ask meaningful searching questions of the officer was me.

Mr Leal-Bennett added: "Unfortunately we have leadership that does not support a democratic process, nor will it set down to discuss the real issues."

He said again: "Within NHDC we have democracy and consultation when we should have democracy and consultation."

A spokesman for the council said: "Mr Leal-Bennett was, until recently, a director of HTH, who has a contractual relationship with the council."

"This resulted in a conflict of interest between his responsibilities as a director of HTH and his duties as a councillor and the advice to Mr Leal-Bennett is fully in accordance with our code of conduct."

"There is currently a contract dispute with HTH and as Mr Leal-Bennett could be a witness against the council in any proceedings it is inappropriate for him to be involved in confidential discussions on the council's approach to that dispute."

"Given the circumstances it would be inappropriate for the council to comment further at this stage."

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NHDC PRESS COVERAGE

DATE: 21 January 2015

PUBLICATION: Midweek Mercury, p.20

COUNCIL CATEGORY: Cultural Services

HITCHIN TOWN HALL: Council missing the point

I REFER to the article "Undemocratic debate over town hall slammed" (Midweek Mercury, Jan 7).
 I would wish to correct the response from North Herts District Council (NHDC) through a spokesman, which I assume had the approval of the leader and the CEO.

NHDC seem to be missing the point, to use words such as "Council of Interest" is emotive and perhaps is indicative of how officers perceive their relationship with Hitchin Town Hall Ltd, is adversarial.

HTH Ltd represents the community groups and should be treated with respect.

To suggest this is a 'code of conduct' issue again misrepresents the facts as a democratically elected member, I have every right to be present at a scrutiny meeting, of which I am a member.

To imply that I might be other than truthful, should I ever have to give evidence in any court for or against NHDC is unacceptable.

I could be delighted to tell the truth, the whole truth, and nothing but the truth and would expect NHDC to do the same.

Finally it was stated that there were confidential discussions on their approach, I am afraid that again is misleading.

This was a scrutiny meeting and the affairs in question should have been scrutinized, they were not.



BATTLEGROUND: Hitchin Town Hall

In addition HTH Ltd should have been given more than five minutes and should have been able to take questions.

Unfortunately the Scrutiny platform was used as a means to justify NHDC's approach to the project rather than any serious debate or analysis on how a

solution might be found to resolve the issues.

A cynic might say it was 'covering people's backs'.

There may be serious disagreement between the parties but surely this meeting should have been a platform to try to sort out those issues and

to concentrate on a way forward. It is most disappointing that it was not and another opportunity has been lost.

I will be taking up these important issues directly with the Leader and the CEO.

David Inat-Bennati
 Highbury Ward Councillor