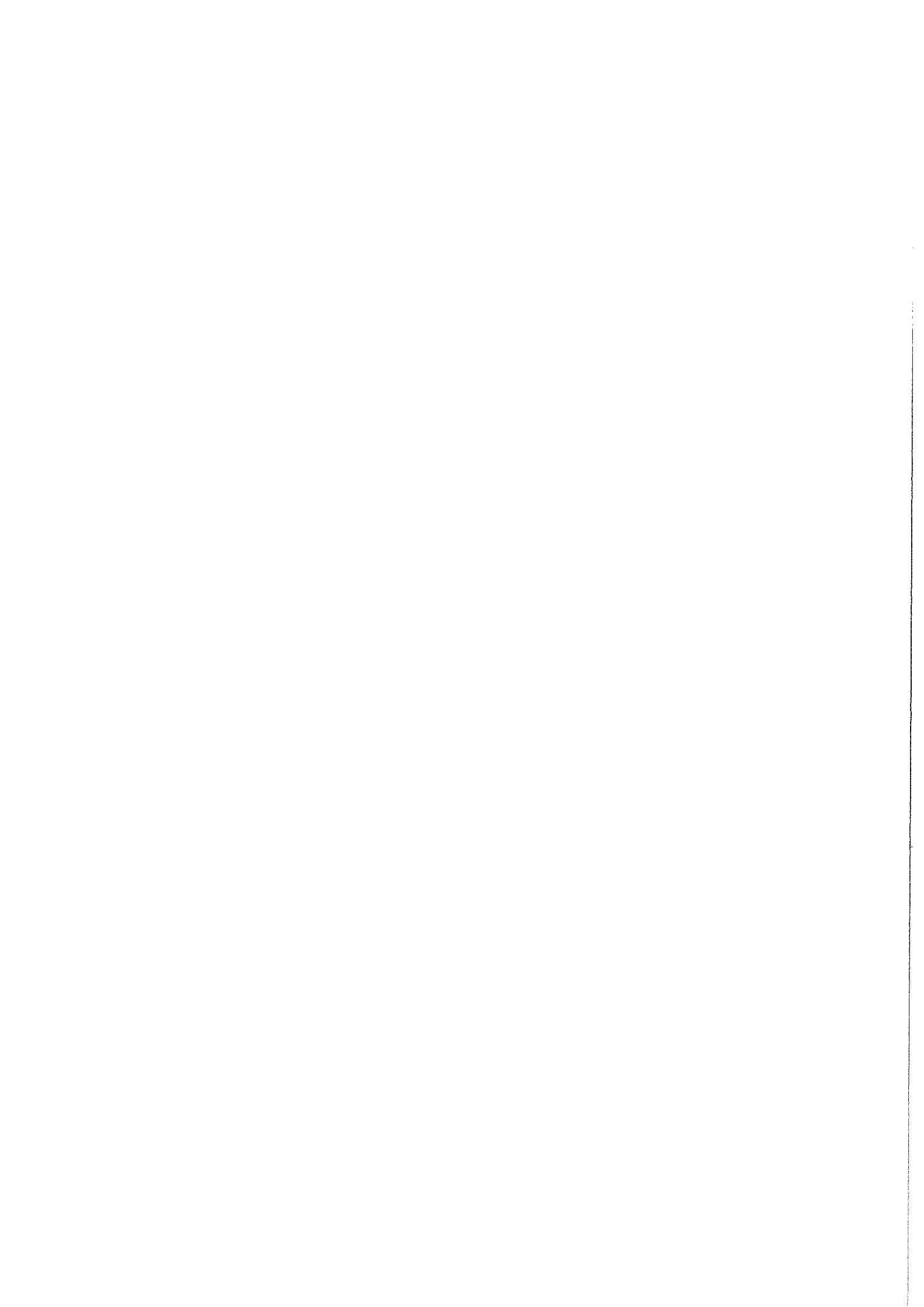


BEVAN BRITTAN REPORT

**APPENDIX SIX – CORRESPONDENCE BETWEEN INVESTIGATOR AND CLLR
LEAL-BENNETT**



Nadine Johns

From: David Leal-Bennett <[REDACTED]>
Sent: 26 March 2015 09:37
To: Olwen Dutton
Subject: Re: confidential [BB-M.FID2439406]

Thank you

Please provide a copy of the complaint(s) and I may then consider.

Is there any reason why this should be kept confidential?

David Leal-Bennett
[REDACTED]

Sent from my iPhone

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On 26 Mar 2015, at 21:33, Olwen Dutton <Olwen.Dutton@bevanbrittan.com> wrote:

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Kind regards

Olwen

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~~CONFIDENTIAL~~

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Nadine Johns

From: Olwen Dutton
Sent: 08 April 2015 16:35
To: David Leal-Bennett
Subject: RE: confidential [BB-M.FID2439406]

Importance: High
Sensitivity: Confidential

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From: Olwen Dutton
Sent: 13 April 2015 16:49
To: David Leal-Bennett
Subject: RE: confidential [BB-M.FID2439406]

Importance: High
Sensitivity: Confidential

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I will be attending at the Councils offices on Thursday this week (16th April) and also on Tuesday 21st April for the purpose of interviews in relation to the complaints against you. If you are available on either of those dates I would be very pleased to see you. Alternatively I would be grateful if you could let me know when would be a convenient date for you.

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Nadine Johns

From: David Leal-Bennett [REDACTED]
Sent: 13 April 2015 18:22
To: Olwen Dutton
Subject: Re: confidential [BB-M.FID2439406]

Good evening

Having been away over Easter and have today returned to my office with the usual plethora of emails.

I will get back to you tomorrow.

Regards

David

David Leal-Bennett
[REDACTED]

Sent from my iPhone

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Importance: High
Sensitivity: Confidential

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188

Nadine Johns

From: Olwen Dutton
Sent: 13 April 2015 18:42
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Subject: RE: confidential [BB-M.FID2439406]

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Nadine Johns

From: David Leal-Bennett [REDACTED]
Sent: 14 April 2015 12:39
To: Olwen Dutton
Subject: RE: CONFIDENTIAL [BB-M.FID2439406] Code of Conduct

Sensitivity: Confidential

Dear Ms Dutton

I have now skim read the 230 pages that have been sent to me by NHDC, which frankly I find both sad and unbelievable, not to mention the cost to the taxpayer; I have not read or analysed the specifics, all of which require a comprehensive response, I was of the opinion that it was purely to do with the recent press comments concerning my exclusion from meetings, but clearly this is not the case and I have to ask why these issues, some going back to 2013, were not dealt with earlier.

You are no doubt aware that NHDC have been attempting to 'silence' me for some time, hence the press comments, and have also involved the police making the claim that I had conducted a criminal offence under the Localism Act, this has now been dismissed by the Police.

It now seems that NHDC will go to any length to stop legitimate questions being asked concerning the conduct of their operation, something The Rt Hon Peter Lilley MP has also stated. For clarification my stance has always been that I was elected to ask those searching questions and if that means robust debate then so be it. I believe that the introduction to the Code of Conduct, as detailed in the Localism act, says it all.

As promised I am responding to your email and note that you will be visiting NHDC later this week and the following week conducting interviews. I am afraid that I am unable to make these dates as previously mentioned.

For your information I am acting as the local candidate's agent and will be coordinating the election campaign here in Hitchin South (Incorporating Highbury & Priory wards) for both the District and General election candidates. In addition I am leading a team for the marginal seat in Stevenage and liaising with Stephen McPartland's agent, this involves a considerable amount of work during the day and evenings.

I also run my own software company and a small consultancy business managing a property portfolio, ergo my time is limited.

In my brief review of the documentation I am extremely concerned that NHDC have sought not to differentiate my relationship as a director and as a councillor, treating them as one, especially when I have always been at pains to make a distinction between my two roles. To provide "background papers" widens this investigation to the directors of Hitchin Town Hall Ltd ("HTH"), to The Rt Hon Peter Lilley MP and indeed The Rt Hon Eric Pickles MP not to mention the Community Groups in Hitchin. As you may gather there is a considerable history with the relationship between NHDC and HTH.

As a consequence, I too will be requiring you to interview certain individuals mentioned in the mass of papers sent by NHDC and it will clearly take some time to go through all of my files, I am afraid that this is not now just a matter of an interview, there are serious accusations some of which are libellous.

In the meantime I would wish to receive the following information:

1. Your firm's terms of reference concerning this Code of Conduct enquiry.
2. The names of the individuals with whom you will be conducting interviews, in order that I might research specifics.
3. My complete 'personal' file held by NHDC - are you able to request this on our behalf or shall I approach NHDC.

4. The complete file concerning the Criminal investigation - are you able to request this on our behalf or shall I approach NHDC.

I have copied this email to the Conservative Councillors' Association with whom I am liaising regarding my recent exclusion from a Full Council meeting. I have also copied it to my lawyers and to two close professional friends. It goes without saying that I would expect a lawyer to be present when we meet but beforehand I will need to go through all of the documentation sent by NHDC. I would also require that all interviews be recorded as potential evidence should this matter escalate.

I believe this matter to be so important and at the heart of the democratic process that sufficient time be allocated. I will endeavour to start my review process shortly but there can be no question of an interview before I have researched matters and am fully prepared.


I would appreciate a brief chat concerning the process and may be contacted on my mobile.

Regards

David

David Leal-Bennett

☎ 144 (0)1462 441170 [REDACTED]

 please consider the environment before printing this document or its attachments

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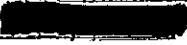
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David Leal-Bennett

Sent from my iPhone

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On 26 Mar 2015, at 21:22, Olwen Dutton <Olwen.Dutton@bevanbrittan.com> wrote:

Dear Cllr Leal-Bennett,

Thank you for coming back to me so promptly.

I have asked for the complaints to be forwarded to you.

So far as confidentiality is concerned, it is usual to keep matters confidential during the investigative process, and under the provisions of the Councils Code of Conduct (para 3.3) you "must not disclose confidential information or information which should reasonably be regarded as being of a confidential nature". Once the investigation is completed it is usual for matters to be in the public domain but I would ask you please to keep matters confidential until that stage is reached.

Once you have been able to consider the complaints I would be grateful if you could confirm that you are willing to be interviewed by me. It is likely that I will be undertaking interviews at the Councils offices on Thursday 16th April 2015, so if you were available on that date it would be very convenient.

Please do not hesitate to contact me if there is anything about this process which you may wish to clarify with me.

Kind regards

Olwen

Olwen Dutton | Partner
for Bevan Brittan LLP- The public services law firm

direct: 0870 194 5006 | mobile: 07500 060 858 | general: 0870 194 1000 | fax: 0870 194 5001

www.bevanbrittan.com

Team Assistant: Jo Denton
direct: 0870 194 5042 | email: jo.denton@bevanbrittan.com

From: David Leal-Bennett [mailto: [REDACTED]]
Sent: 26 March 2015 09:37
To: Olwen Dulton
Subject: Re: confidential [BB-M.FID2439406]

Thank you

Please provide a copy of the complaint(s) and I may then consider.

Is there any reason why this should be kept confidential?

David Leal-Bennett
[REDACTED]

Sent from my iPhone

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If there are any documents or other evidence which you would like me to consider please either send these to me in advance or produce them at interview. In addition please let me know of any other people you think it may assist for me to interview.

I can be contacted by email, or please telephone me at the numbers given below. I will be very happy to answer any questions you may have about the investigative process. Otherwise I look forward to hearing from you with regard to interview.

Please keep matters confidential at this stage

Kind regards

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Nadine Johns

From: Olwen Dutton
Sent: 15 April 2015 17:18
To: David Leal-Bennett
Subject: confidential [BB-M.FID2439406]

Importance: High
Sensitivity: Confidential

Dear Cllr Leal-Bennett,

I refer to our previous email correspondence and to our telephone conversation yesterday.

As I mentioned to you yesterday my practice when conducting investigations is to conduct interviews, and then prepare a statement of evidence from those I have seen, which I send to the interviewee in draft for comments.

Once my investigation is over I prepare a report which again is sent out in draft for comments. This is sent to you, to the complainants and to the Monitoring Officer. I will take into account and reflect in the report any comments which you may make upon the report, although this may, of course, not change my view.

Once this report is finalised I present the report to the Monitoring Officer who will take it through the process in the Council's arrangements which should be followed dependent upon whatever findings I make. The statements of those I have interviewed are appended to the report, together with other relevant evidence to support my findings. These findings can of course, either be that a breach of the code was not committed, or that it was. As I stressed yesterday, and I know you understand, I am completely independent.

You have asked me for certain information. I am prepared to tell you who I am interviewing tomorrow as this information will be made available to you in due course in any event. As I mentioned my practice is to append statements of evidence to the report, unless they reveal confidential information.

The list of persons I am interviewing tomorrow is as follows:

David Scholes
Anthony Roche
Cllr Cowley
Cllr Shakespeare-Smith
Katie White.

I have also been asked to interview other persons but I will confirm their identity once I have carried out the interviews tomorrow in case that changes following the first interviews. It would also be very helpful if you could let me have a list of names of those persons whom you think it would assist if I were to interview them so that the necessary arrangements can be made as soon as possible.

So far as the other information you have requested is concerned, I do not have your personal file or the file concerning the Criminal Investigation. You will have to ask the council about those and if they are willing to release them. Nor, after further consideration, am I able to release our terms of reference as they are a matter between us and our client; so again you would have to seek this from the council and see if they were prepared to release them.

Could you please also give some thought as to when you may be available for me to see you so that we can get a date in the diary. I am quite happy for you to be accompanied at that interview and for a recording to be taken. I would of course very much like to see you as soon as possible please, and I am sure that you too will be anxious to make swift progress. If you could also let me know of other information which you feel would be useful can you please provide me with a copy, a scanned one is fine if it is easier; or, if something is available on line, refer me to the relevant link. I should though stress that I am conducting an investigation into the complaints made under the Code and I will try to limit my investigation to those matters.

I hope that this is helpful. Please don't hesitate to contact me again if there are any questions about process, and I look forward to hearing from you as soon as possible with potential dates for interview, names of witnesses and copies of information you would like me to consider.

Kind regards

Olwen

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Team Assistant: Jo Denton
direct: 0870 194 5042 | email: jo.denton@bevanbrittan.com

Nadine Johns

From: Olwen Dutton
Sent: 22 April 2015 14:41
To: David Leal-Bennett
Subject: RE: confidential [BB-M.FID2439406]

Importance: High
Sensitivity: Confidential

Dear Cllr Leal-Bennett,

Further to my email below of last week, I am able to confirm that I have now also interviewed the following :

John Robinson,
Cllr Needham,
Sharon Nahal
Howard Crompton
Steve Crowley
Nigel Schofield.

I am very anxious that we get a date in the diary for your own interview. I am available on the following dates and propose that the Interview takes place in Letchworth unless you would prefer an alternative venue. It would, for example be possible to meet at my firms offices in London, which are on Holborn Viaduct. If you would prefer this, or would like to suggest an alternative venue please let me know.

I am available on the following dates in May. 11th; 13th; 18th; 19th; 21st. I would very much like to carry out the interview as soon as possible so that I can draft my report and send that to you by the beginning of June, so please let me know which of those dates you prefer so that arrangements can be made.

Could you also please let me know of anyone else who you would like me to see in connection with this investigation; and let me have copies of any documents which you would like me to consider.

Don't hesitate to give me a call if you would like to discuss the process at all.

I look forward to hearing from you.

Kind regards

Olwen

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for Bevan Brittan LLP- The public services law firm

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Team Assistant: Jo Denton
direct: 0870 194 5042 | email: jo.denton@bevanbrittan.com

From: Olwen Dutton
Sent: 15 April 2015 17:18
To: 'David Leal-Bennett'
Subject: confidential [BB-M.FID2439406]
Importance: High
Sensitivity: Confidential

Dear Cllr Leal-Bennett,

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Once my investigation is over I prepare a report which again is sent out in draft for comments. This is sent to you, to the complainants and to the Monitoring Officer. I will take into account and reflect in the report any comments which you may make upon the report, although this may, of course, not change my view.

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I hope that this is helpful. Please don't hesitate to contact me again if there are any questions about process, and I look forward to hearing from you as soon as possible with potential dates for interview, names of witnesses and copies of information you would like me to consider.

Kind regards

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Team Assistant: Jo Denton
direct: 0870 194 5042 | email: jo.denton@bevanbrittan.com

Nadine Johns

From: David Leal-Bennett [REDACTED]
Sent: 27 April 2015 16:44
To: Olwen Dutton
Subject: RE: confidential [BB-M.FID2439406]

Dear Ms Olwen

I have now had a chance to look a little more fully at the 230 pages of material and I must say I am concerned and surprised that a large portion appears to be irrelevant, if not outdated, some going back to 2013.

Mr Scholes has grouped many items together to present an historic case but how long are you permitted to go back in this research; I have to question why have these matters only now been brought to a head? I was of the opinion that Code of Conduct issues had to be addressed within a certain time period, I thought this was within one month.

In addition much relates to my position as a trustee/director of Hitchin Town Hall Ltd and I have always been at pains to differentiate the two roles as a director/trustee and as a councillor.

It seems to me that details of your terms of reference are quite critical to these complaints and I am surprised that you are not prepared to share them with me even "after careful consideration".

I am in effect defending myself against some serious allegations and as such I believe I am entitled to receive more detail.

I respectfully request that you provide a list of the specific allegations and connected information that you are investigating, prior to our interview, to enable me to prepare against those allegations. In short I would wish to have information on the specific areas that you will be addressing. I am sure that you will appreciate that I do not wish to spend the many hours it will take checking documentation that you may disregard.

Once I have this information I will be able to nominate individuals, with a different if not specific input, to support my case and I will then be able to provide their names.

I will also be requesting critical information from NHDC under the FOI and ICO which I believe they are obliged to supply.

Currently I am looking at a date of Sunday May 17th for interview and will be accompanied by various representatives, my lawyer is currently in India and I am not sure of her movements but I hope she can attend, if not I will look for an alternate.


As an elected member I am conscious of the seven principles laid down in the Localism Act to which I adhere; I believe that there are some fundamental and democratic issues at stake here. You will no doubt have to decide the relevance of certain assertions and report accordingly.

Finally, in speaking with my lawyer earlier today it was suggested that you ought to at least be made aware of the fact that the Conservative Group is (tonight) debating the disciplinary issues against me. Naturally this involves the elected members that you have already interviewed and is related to actions and press comments.

I look forward to your response.

Regards

David Leal-Bennett

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From: Olwen Dutton [mailto:Olwen.Dutton@bevanbrittan.com]

Sent: 26 March 2015 21:23

To: David Leal-Bennett

Subject: RE: confidential [BB-M.FID2439406]

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I have asked for the complaints to be forwarded to you.

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Team Assistant: Jo Denton
direct: 0870 194 5042 | email: jo.denton@bevanbrittan.com

From: David Leal-Bennett [mailto:dlb@syssol.net]

Sent: 26 March 2015 09:37

To: Olwen Dutton

Subject: Re: confidential [BB-M.FID2439406]

Thank you

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Is there any reason why this should be kept confidential?

David Leal-Bennett


Sent from my iPhone

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Nadine Johns

From: Olwen Dutton
Sent: 28 April 2015 11:04
To: David Leal-Bennett
Subject: RE: confidential [BB-M.FID2439406]

Importance: High

Dear Cllr Leal-Bennett,

Thank you for your email below.

In the normal way, I have been asked to undertake an investigation into the complaints made against you under the Code of Conduct. You have a copy of those complaints and the detail of the allegations against you is set out in those complaints.

There is no provision either under the Localism Act or the Code of Conduct of North Herts DC which restricts issues to being addressed within one month; or indeed, so far as I can see, provides for any limitation in respect of a time period, and the assessment criteria adopted by your Council specifically refers to a "continuing pattern of behaviour" which by its nature take place over time.

I am afraid that I am not available on Sunday the 17th May. As my previous correspondence indicated, the dates upon which I am available in May are as follows: 11th, 13th, 18th, 19th, 21st. I can also now do the 5th and 6th May, although I appreciate that these are leading up to the election next week so may be difficult for you; and the 15th and 22nd May. Please let me know as soon as possible which of these dates are suitable so that we can get arrangements in place. I would prefer the earliest date possible.

I will be able to let you have a list of areas that I wish to cover with you before we meet. However, these areas will of course, inevitably be based upon the issues outlined in the complaints, so I would suggest that if you consider those it will enable you to start to pull together what you may consider necessary to support you.

Thank you for informing me about the disciplinary process.

Kind regards

Olwen

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for Bevan Brittan LLP- The public services law firm

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From: David Leal-Bennett [mailto:████████████████████]
Sent: 27 April 2015 16:44
To: Olwen Dutton
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☎ +44 (0)1452 441170

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Nadine Johns

From: Olwen Dutton
Sent: 05 May 2015 16:52
To: David Leal-Bennett
Subject: RE: confidential [BB-M.FID2439406]

Importance: High
Sensitivity: Confidential

Dear Cllr Leal-Bennett,

I do not appear to have had any response to my email to you of last Tuesday. I look forward please to hearing from you with a date for interview amongst those I have supplied. If we cannot set a date and hold an interview over the next two three weeks I will have to consider drafting my report on the basis that I have not been able to speak to you. Obviously this is a situation I would wish very much to avoid.

I look forward to hearing from you.

Kind regards

Olwen

Olwen Dutton | Partner
for Bevan Brittan LLP- The public services law firm

direct: 0870 194 5006 | mobile: 07500 060 858 | general: 0870 194 1000 | fax: 0870 194 5001
www.bevanbrittan.com

Team Assistant: Jo Denton
direct: 0870 194 5042 | email: jo.denton@bevanbrittan.com

From: Olwen Dutton
Sent: 28 April 2015 11:04
To: 'David Leal-Bennett'
Subject: RE: confidential [BB-M.FID2439406]
Importance: High

Dear Cllr Leal-Bennett,

Thank you for your email below.

In the normal way, I have been asked to undertake an investigation into the complaints made against you under the Code of Conduct. You have a copy of those complaints and the detail of the allegations against you is set out in those complaints.

There is no provision either under the Localism Act or the Code of Conduct of North Herts DC which restricts issues to being addressed within one month; or indeed, so far as I can see, provides for any limitation in respect of a time period, and the assessment criteria adopted by your Council specifically refers to a "continuing pattern of behaviour" which by its nature take place over time.

I am afraid that I am not available on Sunday the 17th May. As my previous correspondence indicated, the dates upon which I am available in May are as follows: 11th; 13th; 18th; 19th; 21st. I can also now do the 5th and 6th May- although I appreciate that these are leading up to the election next week so may be difficult for you; and the 15th and 22nd May. Please let me know as soon as possible which of these dates are suitable so that we can get arrangements in place. I would prefer the earliest date possible.

I will be able to let you have a list of areas that I wish to cover with you before we meet. However, these areas will of course, inevitably be based upon the issues outlined in the complaints, so I would suggest that if you consider those it will enable you to start to pull together what you may consider necessary to support you.

Thank you for informing me about the disciplinary process.

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Team Assistant: Jo Denton
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From: David Leal-Bennett [mailto:████████████████████]
Sent: 27 April 2015 16:44
To: Olwen Dutton
Subject: RE: confidential [BB-M.FID2439406]

Dear Ms Olwen

I have now had a chance to look a little more fully at the 230 pages of material and I must say I am concerned and surprised that a large portion appears to be irrelevant, if not outdated, some going back to 2013.

Mr Scholes has grouped many items together to present an historic case but how long are you permitted to go back in this research; I have to question why have these matters only now been brought to a head? I was of the opinion that Code of Conduct issues had to be addressed within a certain time period, I thought this was within one month.

In addition much relates to my position as a trustee/director of Hitchin Town Hall Ltd and I have always been at pains to differentiate the two roles as a director/trustee and as a councillor.

It seems to me that details of your terms of reference are quite critical to these complaints and I am surprised that you are not prepared to share them with me even "after careful consideration".

I am in effect defending myself against some serious allegations and as such I believe I am entitled to receive more detail.

I respectfully request that you provide a list of the specific allegations and connected information that you are investigating, prior to our interview, to enable me to prepare against those allegations. In short I would wish to have information on the specific areas that you will be addressing. I am sure that you will appreciate that I do not wish to spend the many hours it will take checking documentation that you may disregard.

Once I have this information I will be able to nominate individuals, with a different if not specific input, to support my case and I will then be able to provide their names.

I will also be requesting critical information from NHDC under the FOI and ICO which I believe they are obliged to supply.

Currently I am looking at a date of Sunday May 17th for interview and will be accompanied by various representatives, my lawyer is currently in India and I am not sure of her movements but I hope she can attend, if not I will look for an alternate.

As an elected member I am conscious of the seven principles laid down in the Localism Act to which I adhere; I believe that there are some fundamental and democratic issues at stake here. You will no doubt have to decide the relevance of certain assertions and report accordingly.


Finally, in speaking with my lawyer earlier today it was suggested that you ought to at least be made aware of the fact that the Conservative Group is (tonight) debating the disciplinary issues against me. Naturally this involves the elected members that you have already interviewed and is related to actions and press comments.

I look forward to your response.

Regards

David Leal-Bennett

+44 (0)1462 441170

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From: Olwen Dutton [<mailto:Olwen.Dutton@bevanbrittan.com>]
Sent: 26 March 2015 21:23
To: David Leal-Bennett
Subject: RE: confidential [BB-M.FID2439406]

Dear Cllr Leal-Bennett,

Thank you for coming back to me so promptly.

I have asked for the complaints to be forwarded to you.

So far as confidentiality is concerned, it is usual to keep matters confidential during the investigative process, and under the provisions of the Councils Code of Conduct (para 3.3) you "must not disclose confidential information or information which should reasonably be regarded as being of a confidential nature". Once the investigation is completed it is usual for matters to be in the public domain but I would ask you please to keep matters confidential until that stage is reached.

Once you have been able to consider the complaints I would be grateful if you could confirm that you are willing to be interviewed by me. It is likely that I will be undertaking interviews at the Councils offices on Thursday 16th April 2015, so if you were available on that date it would be very convenient.

Please do not hesitate to contact me if there is anything about this process which you may wish to clarify with me.


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Team Assistant: Jo Denton
direct: 0870 194 5042 | email: jo.denton@bevanbrittan.com

From: David Leal-Bennett [<mailto:> 
Sent: 26 March 2015 09:37

To: Olwen Dutton
Subject: Re: confidential [BB-M.FID2439406]

Thank you

Please provide a copy of the complaint(s) and I may then consider.

Is there any reason why this should be kept confidential?

David Leal-Bennett

Sent from my iPhone

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On 25 Mar 2015, at 21:33, Olwen Dutton <Olwen.Dutton@bevanbrittan.com> wrote:

Dear Cllr Leal-Bennett

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I would very much like to interview you as part of my investigation, ideally in the offices of North Herts District Council. Could you please confirm to me that you are prepared to be interviewed and I will ensure that arrangements can be made for this to take place at a mutually convenient date.

If there are any documents or other evidence which you would like me to consider please either send these to me in advance or produce them at interview. In addition please let me know of any other people you think it may assist for me to interview.

I can be contacted by email, or please telephone me at the numbers given below. I will be very happy to answer any questions you may have about the investigative process. Otherwise I look forward to hearing from you with regard to interview.

Please keep matters confidential at this stage

Kind regards

Olwen

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is available in our offices. We use the term 'partner' to refer to a member of the LLP, or an employee or consultant who is a lawyer with equivalent standing and qualifications. Authorised and regulated by the Solicitors Regulation Authority under number 406315.

Nadine Johns

From: Olwen Dutton
Sent: 05 May 2015 17:31
To: David Leal-Bennett
Subject: RE: confidential [BB-M.FID2439406]

Importance: High
Sensitivity: Confidential

Dear Cllr Leal-Bennett,

Thank you for your reply. I really think that it is important to agree a date for the interview as soon as possible, so that preparation can be done with that date in mind. Will you be able to do that on Monday please?

Kind regards

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Team Assistant: Jo Denton
direct: 0870 194 5042 | email: jo.denton@bevanbrittan.com

From: David Leal-Bennett [mailto: [REDACTED]]
Sent: 05 May 2015 17:05
To: Olwen Dutton
Subject: RE: confidential [BB-M.FID2439406]
Sensitivity: Confidential

I apologise and I will give this my full consideration on Monday, it is not my intention to be awkward but I really am up against it with this Thursday looming.

David Leal-Bennett

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From: Olwen Dutton [mailto:Olwen.Dutton@bevanbrittan.com]
Sent: 05 May 2015 16:52
To: David Leal-Bennett
Subject: RE: confidential [BB-M.FID2439406]
Importance: High
Sensitivity: Confidential

Dear Cllr Leal-Bennett,

I do not appear to have had any response to my email to you of last Tuesday. I look forward please to hearing from you with a date for interview amongst those I have supplied. If we cannot set a date and hold an interview over the next two three weeks I will have to consider drafting my report on the basis that I have not been able to speak to you. Obviously this is a situation I would wish very much to avoid.

I look forward to hearing from you.

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I look forward to your response.

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From: Olwen Dutton [mailto:Olwen.Dutton@bevanbrittan.com]
Sent: 26 March 2015 21:23
To: David Leal-Bennett
Subject: RE: confidential [BB-M.FID2439406]

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Please do not hesitate to contact me if there is anything about this process which you may wish to clarify with me.

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From: David Leal-Bennett [mailto:████████████████████]
Sent: 26 March 2015 09:37
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Sent from my iPhone

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I can be contacted by email, or please telephone me at the numbers given below. I will be very happy to answer any questions you may have about the investigative process. Otherwise I look forward to hearing from you with regard to interview.

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Nadine Johns

From: Olwen Dutton
Sent: 11 May 2015 15:14
To: David Leal-Bennett
Subject: RE: confidential [BB-M.FID2439406]

Importance: High
Sensitivity: Confidential

Dear Cllr Leal- Bennett,

Now that the elections are over I look forward to hearing from you with regard to a date for interview. I am anxious to get this sorted out as soon as possible, ideally this week or next.

We agreed some time ago that it would be best to get a date in the diary for interview but have not yet done so. You know of the dates when I am available; and just to be clear I am not available on Saturdays and Sundays.

Kind regards

Olwen

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for Bevan Brittan LLP- The public services law firm

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Team Assistant: Jo Denton
direct: 0870 194 5042 | email: jo.denton@bevanbrittan.com

From: Olwen Dutton
Sent: 05 May 2015 17:31
To: 'David Leal-Bennett'
Subject: RE: confidential [BB-M.FID2439406]
Importance: High
Sensitivity: Confidential

Dear Cllr Leal-Bennett,

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Team Assistant: Jo Denton
direct: 0870 194 5042 | email: jo.denton@bevanbrittan.com


From: David Leal-Bennett [<mailto:> 
Sent: 05 May 2015 17:05

To: Olwen Dutton
Subject: RE: confidential [BB-M.FID2439406]
Sensitivity: Confidential

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David Leal-Bennett

☎ +44 (0)1462 441170

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From: David Leal-Bennett [mailto: [REDACTED]]
Sent: 27 April 2015 16:44
To: Olwen Dutton
Subject: RE: confidential [BB-M.FID2439406]

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From: Olwen Dutton [<mailto:Olwen.Dutton@bevanbrittan.com>]

Sent: 26 March 2015 21:23

To: David Leal-Bennett

Subject: RE: confidential [BB-M.FID2439406]

Dear Cllr Leal-Bennett,

Thank you for coming back to me so promptly.

I have asked for the complaints to be forwarded to you.

So far as confidentiality is concerned, it is usual to keep matters confidential during the investigative process, and under the provisions of the Councils Code of Conduct (para 3.3) you "must not disclose confidential information or information which should reasonably be regarded as being of a confidential nature". Once the investigation is completed it is usual for matters to be in the public domain but I would ask you please to keep matters confidential until that stage is reached.

Once you have been able to consider the complaints I would be grateful if you could confirm that you are willing to be interviewed by me. It is likely that I will be undertaking interviews at the Councils offices on Thursday 16th April 2015, so if you were available on that date it would be very convenient.

Please do not hesitate to contact me if there is anything about this process which you may wish to clarify with me.

Kind regards

Olwen

Olwen Dutton | Partner
for Bevan Brittan LLP- The public services law firm

direct: 0870 194 5006 | mobile: 07500 060 858 | general: 0870 194 1000 | fax: 0870 194 5001
www.bevanbrittan.com

Team Assistant: Jo Denton
direct: 0870 194 5042 | email: jo.denton@bevanbrittan.com

From: David Leal-Bennett [mailto: [REDACTED]]
Sent: 26 March 2015 09:37
To: Olwen Dutton
Subject: Re: confidential [BB-M.FID2439406]

Thank you

Please provide a copy of the complaint(s) and I may then consider.

Is there any reason why this should be kept confidential?

David Leal-Bennett
[REDACTED]

Sent from my iPhone

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On 25 Mar 2015, at 21:33, Olwen Dutton <Olwen.Dutton@bevanbrittan.com> wrote:

Dear Cllr Leal-Bennett

I refer to the complaints in respect of the Code of Conduct which have been made against you and write to inform you that I have been appointed the Investigating Officer into these complaints. If you have not seen the complaints please let me know and I will provide them to you.

I would very much like to interview you as part of my investigation, ideally in the offices of North Herts District Council. Could you please confirm to me that you are prepared to be interviewed and I will ensure that arrangements can be made for this to take place at a mutually convenient date.

If there are any documents or other evidence which you would like me to consider please either send these to me in advance or produce them at interview. In addition please let me know of any other people you think it may assist for me to interview.

I can be contacted by email, or please telephone me at the numbers given below. I will be very happy to answer any questions you may have about the investigative process. Otherwise I look forward to hearing from you with regard to interview.

Please keep matters confidential at this stage

Kind regards

Olwen

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Nadine Johns

From: David Leal-Bennett <[REDACTED]>
Sent: 13 May 2015 15:02
To: Olwen Dutton
Subject: RE: confidential [BB-M.FID2439406]
Sensitivity: Confidential

Dear Ms Dutton

Thank you for your email, and yes indeed the election is over.

I am now ploughing through a multitude of emails but as agreed I did start to give this issue some attention on Monday and have subsequently been reading my way through the documentation.

I fear that getting this 'sorted out' by the end of next week is really not going to happen, especially as I wish you to interview some key individuals with whom I am currently liaising. These are named below and I will be giving you their contact details once I have briefed them all, to facilitate matters I will release these details as soon as I have contacted them.

The Rt Hon Peter Lilley MP

Judy Simmonds - Hertfordshire Area Conservatives Deputy Chair Political

Stephen Pike - Chairman Hitchin Town Hall Ltd. & Managing Partner Bradshaw Johnson Accountants

Rosemary Read - Director Hitchin Town Hall Ltd

Keith Hoskins - Hitchin Town Centre Manager

Ellie Clarke - Hitchin Forum

Clr Claire Strong

Clr Simon Harwood

Clr John Harris

Charles Bunker - Former Chairman of Hitchin & Harpenden Conservative Association, Managing Partner Kerburn Rose, Corporate Project Finance

John Simmonds - Former Chairman of Hitchin & Harpenden Conservative Association, Managing Partner Wagstaffs Accountants

David Morgan - Lawyer HRJ Foreman Laws

It is extremely important that you obtain a balanced view since the individuals you have interviewed so far have no doubt painted a certain picture. You stated "and the assessment criteria adopted by your Council specifically refers to a "continuing pattern of behaviour" which by its nature take place over time." All of the people above are familiar with the machinations of Local Authorities and in particular NHDC as well as the difficulty there has been with not only HTH but also many other local issues.

In one of your earlier emails you also stated

"I will be able to let you have a list of areas that I wish to cover with you before we meet. However, these areas will of course, inevitably be based upon the issues outlined in the complaints, so I would suggest that if you consider those it will enable you to start to pull together what you may consider necessary to support you."


It would be helpful if you could let me have these specific areas since no doubt there are some aspects which you have dismissed and I would not wish to take up valuable time with these.

I will continue to progress matters and will let you have the contact details of the above individuals very shortly.

Regards

David Leal-Bennett

+44 (0)1462 441170

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From: Olwen Dutton [mailto:Olwen.Dutton@bevanbrittan.com]
Sent: 11 May 2015 15:14
To: David Leal-Bennett
Subject: RE: confidential [BB-M.FID2439406]
Importance: High
Sensitivity: Confidential

Dear Cllr Leal-Bennett,

Now that the elections are over I look forward to hearing from you with regard to a date for interview. I am anxious to get this sorted out as soon as possible, ideally this week or next.

We agreed some time ago that it would be best to get a date in the diary for interview but have not yet done so. You know of the dates when I am available; and just to be clear I am not available on Saturdays and Sundays.

Kind regards

Olwen

Olwen Dutton | Partner
for Bevan Brittan LLP- The public services law firm

direct: 0870 194 5006 | mobile: 07500 060 858 | general: 0870 194 1000 | fax: 0870 194 5001
www.bevanbrittan.com

Team Assistant: Jo Denton
direct: 0870 194 5042 | email: jo.denton@bevanbrittan.com

From: Olwen Dutton
Sent: 05 May 2015 17:31
To: 'David Leal-Bennett'
Subject: RE: confidential [BB-M.FID2439406]
Importance: High
Sensitivity: Confidential

Dear Cllr Leal-Bennett,

Thank you for your reply. I really think that it is important to agree a date for the interview as soon as possible, so that preparation can be done with that date in mind. Will you be able to do that on Monday please?

Kind regards

Olwen

Olwen Dutton | Partner
for Bevan Brittan LLP- The public services law firm

direct: 0870 194 5006 | mobile: 07500 060 858 | general: 0870 194 1000 | fax: 0870 194 5001
www.bevanbrittan.com


Team Assistant: Jo Denton
direct: 0870 194 5042 | email: jo.denton@bevanbrittan.com

From: David Leal-Bennett [mailto: [REDACTED]]
Sent: 05 May 2015 17:05
To: Olwen Dutton
Subject: RE: confidential [BB-M.FID2439406]
Sensitivity: Confidential

I apologise and I will give this my full consideration on Monday, it is not my intention to be awkward but I really am up against it with this Thursday looming.

David Leal-Bennett

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From: Olwen Dutton [mailto:Olwen.Dutton@bevanbrittan.com]
Sent: 05 May 2015 16:52
To: David Leal-Bennett
Subject: RE: confidential [BB-M.FID2439406]
Importance: High
Sensitivity: Confidential

Dear Cllr Leal-Bennett,

I do not appear to have had any response to my email to you of last Tuesday. I look forward please to hearing from you with a date for interview amongst those I have supplied. If we cannot set a date and hold an interview over the next two three weeks I will have to consider drafting my report on the basis that I have not been able to speak to you. Obviously this is a situation I would wish very much to avoid.

I look forward to hearing from you.

Kind regards

Olwen

Olwen Dutton | Partner
for Bevan Brittan LLP- The public services law firm

direct: 0870 194 5006 | mobile: 07500 060 858 | general: 0870 194 1000 | fax: 0870 194 5001
www.bevanbrittan.com

Team Assistant: Jo Denton
direct: 0870 194 5042 | email: jo.denton@bevanbrittan.com

From: Olwen Dutton
Sent: 28 April 2015 11:04
To: 'David Leal-Bennett'

Subject: RE: confidential [BB-M.FID2439406]
Importance: High

Dear Cllr Leal-Bennett,

Thank you for your email below.

In the normal way, I have been asked to undertake an investigation into the complaints made against you under the Code of Conduct. You have a copy of those complaints and the detail of the allegations against you is set out in those complaints.

There is no provision either under the Localism Act or the Code of Conduct of North Herts DC which restricts issues to being addressed within one month; or indeed, so far as I can see, provides for any limitation in respect of a time period, and the assessment criteria adopted by your Council specifically refers to a "continuing pattern of behaviour" which by its nature take place over time.

I am afraid that I am not available on Sunday the 17th May. As my previous correspondence indicated, the dates upon which I am available in May are as follows: 11th; 13th; 18th; 19th; 21st. I can also now do the 5th and 6th May- although I appreciate that these are leading up to the election next week so may be difficult for you; and the 15th and 22nd May. Please let me know as soon as possible which of these dates are suitable so that we can get arrangements in place. I would prefer the earliest date possible.

I will be able to let you have a list of areas that I wish to cover with you before we meet. However, these areas will of course, inevitably be based upon the issues outlined in the complaints, so I would suggest that if you consider those it will enable you to start to pull together what you may consider necessary to support you.

Thank you for informing me about the disciplinary process.

Kind regards

Olwen

Olwen Dutton | Partner
for Bevan Brittan LLP- The public services law firm

direct: 0870 194 5006 | mobile: 07500 060 858 | general: 0870 194 1000 | fax: 0870 194 5001
www.bevanbrittan.com

Team Assistant: Jo Denton
direct: 0870 194 5042 | email: jo.denton@bevanbrittan.com

From: David Leal-Bennett [mailto: [REDACTED]]
Sent: 27 April 2015 16:44
To: Olwen Dutton
Subject: RE: confidential [BB-M.FID2439406]

Dear Ms Olwen

I have now had a chance to look a little more fully at the 230 pages of material and I must say I am concerned and surprised that a large portion appears to be irrelevant, if not outdated, some going back to 2013.

Mr Scholes has grouped many items together to present an historic case but how long are you permitted to go back in this research; I have to question why have these matters only now been brought to a head? I was of the opinion that Code of Conduct issues had to be addressed within a certain time period, I thought this was within one month.

In addition much relates to my position as a trustee/director of Hitchin Town Hall Ltd and I have always been at pains to differentiate the two roles as a director/trustee and as a councillor.

It seems to me that details of your terms of reference are quite critical to these complaints and I am surprised that you are not prepared to share them with me even "after careful consideration".

I am in effect defending myself against some serious allegations and as such I believe I am entitled to receive more detail.

I respectfully request that you provide a list of the specific allegations and connected information that you are investigating, prior to our interview, to enable me to prepare against those allegations. In short I would wish to have information on the specific areas that you will be addressing. I am sure that you will appreciate that I do not wish to spend the many hours it will take checking documentation that you may disregard.

Once I have this information I will be able to nominate individuals, with a different if not specific input, to support my case and I will then be able to provide their names.

I will also be requesting critical information from NHDC under the FOI and ICO which I believe they are obliged to supply.

Currently I am looking at a date of Sunday May 17th for interview and will be accompanied by various representatives, my lawyer is currently in India and I am not sure of her movements but I hope she can attend, if not I will look for an alternate.

As an elected member I am conscious of the seven principles laid down in the Localism Act to which I adhere; I believe that there are some fundamental and democratic issues at stake here. You will no doubt have to decide the relevance of certain assertions and report accordingly.

Finally, in speaking with my lawyer earlier today it was suggested that you ought to at least be made aware of the fact that the Conservative Group is (tonight) debating the disciplinary issues against me. Naturally this involves the elected members that you have already interviewed and is related to actions and press comments.


I look forward to your response.

Regards

David Leal-Bennett

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From: Olwen Dutton [mailto:Olwen.Dutton@bevanbrittan.com]

Sent: 26 March 2015 21:23

To: David Leal-Bennett

Subject: RE: confidential [BB-M.FID2439406]

Dear Cllr Leal-Bennett,

Thank you for coming back to me so promptly.

I have asked for the complaints to be forwarded to you.

So far as confidentiality is concerned, it is usual to keep matters confidential during the investigative process, and under the provisions of the Councils Code of Conduct (para 3.3) you "must not disclose confidential information or information which should reasonably be regarded as being of a confidential nature". Once the investigation is

completed it is usual for matters to be in the public domain but I would ask you please to keep matters confidential until that stage is reached.

Once you have been able to consider the complaints I would be grateful if you could confirm that you are willing to be interviewed by me. It is likely that I will be undertaking interviews at the Councils offices on Thursday 16th April 2015, so if you were available on that date it would be very convenient.

Please do not hesitate to contact me if there is anything about this process which you may wish to clarify with me.

Kind regards

Olwen

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www.bevanbrittan.com

Team Assistant: Jo Denton
direct: 0870 194 5042 | email: jo.denton@bevanbrittan.com

From: David Leal-Bennett [mailto:████████████████████]
Sent: 26 March 2015 09:37
To: Olwen Dutton
Subject: Re: confidential [BB-M.FID2439406]

Thank you

Please provide a copy of the complaint(s) and I may then consider.

Is there any reason why this should be kept confidential?

David Leal-Bennett

Sent from my iPhone

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On 25 Mar 2015, at 21:33, Olwen Dutton <Olwen.Dutton@bevanbrittan.com> wrote:

Dear Cllr Leal-Bennett

I refer to the complaints in respect of the Code of Conduct which have made against you and write to inform you that I have been appointed the Investigating Officer into these complaints. If you have not seen the complaints please let me know and I will provide them to you.

I would very much like to interview you as part of my investigation, ideally in the offices of North Herts District Council. Could you please confirm to me that you are prepared to be interviewed and I will ensure that arrangements can be made for this to take place at a mutually convenient date.

If there are any documents or other evidence which you would like me to consider please either send these to me in advance or produce them at interview. In addition please let me know of any other people you think it may assist for me to interview.

I can be contacted by email, or please telephone me at the numbers given below. I will be very happy to answer any questions you may have about the investigative process. Otherwise I look forward to hearing from you with regard to interview.

Please keep matters confidential at this stage

Kind regards

Olwen

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for Bevan Brittan LLP- The public services law firm

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Team Assistant: Jo Denton
direct: 0870 194 5042 | email: jo.denton@bevanbrittan.com

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Nadine Johns

From: Olwen Dutton
Sent: 13 May 2015 15:55
To: David Leal-Bennett
Subject: RE: confidential [BB-M.FID2439406]

Importance: High
Sensitivity: Confidential

Dear Cllr Leal-Bennett,

Thank you for your email.

In relation to the large number of people you would like me to interview, can you please let me know, in relation to each one, what relevant evidence they may be able to provide in relation to the complaints I am investigating so that I am clear about what evidence they may have? Once you have done so I will be able to contact them. It may of course be possible to interview them over the telephone, in order to save time and costs, as I am sure that they are all busy people. I would like to deal with them all as soon as possible.

I am, of course, anxious to obtain a balanced view but just to be clear, I am only investigating the complaints against you. I am not, for example, investigating the Hitchin Town Hall Project as a whole. Accordingly, whilst I do not wish to refuse to interview anyone you have put forward at this stage, I will only be interested in evidence which relates directly to the complaints made by Cllr Cowley and David Scholes. You have had copies of these complaints for several weeks now, together with the accompanying documentation, and I would suggest that you will focus on this.

As well as these interviews, are we able to get a date in the diary for me to come and see you? I am away from 8-29 June and was very much hoping to be in a position to issue my draft report before I went away so that it can be considered whilst I am on leave and finalised as soon as possible when I return.

Please let me have a date as soon as possible; I consider that there has already been ample time to agree this and if we cannot set a date for interview by the end of this week, that is by close of business on 15th May I will have to consider concluding my investigation without the benefit of interviewing you, and report that we were unable to agree upon a date. I do not wish to take this course of action but it may be, reluctantly, that I have to do so.

Kind regards

Olwen

Olwen Dutton | Partner
for Bevan Brittan LLP- The public services law firm

direct: 0870 194 6006 | mobile: 07500 060 858 | general: 0870 194 1000 | fax: 0870 194 5001
www.bevanbrittan.com

Team Assistant: Jo Denton
direct: 0870 194 5042 | email: jo.denton@bevanbrittan.com

From: David Leal-Bennett [mailto:]
Sent: 13 May 2015 15:02
To: Olwen Dutton
Subject: RE: confidential [BB-M.FID2439406]
Sensitivity: Confidential

Dear Ms Dutton

Thank you for your email, and yes indeed the election is over.

I am now ploughing through a multitude of emails but as agreed I did start to give this issue some attention on Monday and have subsequently been reading my way through the documentation.

I fear that getting this 'sorted out' by the end of next week is really not going to happen, especially as I wish you to interview some key individuals with whom I am currently liaising. These are named below and I will be giving you their contact details once I have briefed them all, to facilitate matters I will release these details as soon as I have contacted them.

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Judy Simmonds - Hertfordshire Area Conservatives Deputy Chair Political

Stephen Pike - Chairman Hitchin Town Hall Ltd. & Managing Partner Bradshaw Johnson Accountants

Rosemary Read - Director Hitchin Town Hall Ltd

Keith Hoskins - Hitchin Town Centre Manager

Ellie Clarke - Hitchin Forum

Cllr Claire Strong

Cllr Simon Harwood

Cllr John Harris

Charles Bunker - Former Chairman of Hitchin & Harpenden Conservative Association, Managing Partner Kerburn

Rose, Corporate Project Finance

John Simmonds - Former Chairman of Hitchin & Harpenden Conservative Association, Managing Partner Wagstaffs Accountants

David Morgan - Lawyer HRJ Foreman Laws

It is extremely important that you obtain a balanced view since the individuals you have interviewed so far have no doubt painted a certain picture. You stated " and the assessment criteria adopted by your Council specifically refers to a "continuing pattern of behaviour" which by its nature take place over time." All of the people above are familiar with the machinations of Local Authorities and in particular NHDC as well as the difficulty there has been with not only HTH but also many other local issues.

In one of your earlier emails you also stated

"I will be able to let you have a list of areas that I wish to cover with you before we meet. However, these areas will of course, inevitably be based upon the issues outlined in the complaints, so I would suggest that if you consider those it will enable you to start to pull together what you may consider necessary to support you."


It would be helpful if you could let me have these specific areas since no doubt there are some aspects which you have dismissed and I would not wish to take up valuable time with these.

I will continue to progress matters and will let you have the contact details of the above individuals very shortly.

Regards

David Leal-Bennett

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From: Olwen Dutton [mailto:Olwen.Dutton@bevanbrittan.com]

Sent: 11 May 2015 15:14

To: David Leal-Bennett
Subject: RE: confidential [BB-M.FID2439406]
Importance: High
Sensitivity: Confidential

Dear Cllr Leal- Bennett,

Now that the elections are over I look forward to hearing from you with regard to a date for interview. I am anxious to get this sorted out as soon as possible, ideally this week or next.

We agreed some time ago that it would be best to get a date in the diary for interview but have not yet done so. You know of the dates when I am available; and just to be clear I am not available on Saturdays and Sundays.

Kind regards

Olwen

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Team Assistant: Jo Denton
direct: 0870 194 5042 | email: jo.denton@bevanbrittan.com

From: Olwen Dutton
Sent: 05 May 2015 17:31
To: 'David Leal-Bennett'
Subject: RE: confidential [BB-M.FID2439406]
Importance: High
Sensitivity: Confidential

Dear Cllr Leal-Bennett,

Thank you for your reply. I really think that it is important to agree a date for the interview as soon as possible, so that preparation can be done with that date in mind. Will you be able to do that on Monday please?

Kind regards

Olwen

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www.bevanbrittan.com

Team Assistant: Jo Denton
direct: 0870 194 5042 | email: jo.denton@bevanbrittan.com

From: David Leal-Bennett [mailto:]
Sent: 05 May 2015 17:05
To: Olwen Dutton
Subject: RE: confidential [BB-M.FID2439406]
Sensitivity: Confidential

I apologise and I will give this my full consideration on Monday, it is not my intention to be awkward but I really am up against it with this Thursday looming.

David Leal-Bennett

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From: Olwen Dutton [<mailto:Olwen.Dutton@bevanbrittan.com>]

Sent: 05 May 2015 16:52

To: David Leal-Bennett

Subject: RE: confidential [BB-M.FID2439406]

Importance: High

Sensitivity: Confidential

Dear Cllr Leal-Bennett,

I do not appear to have had any response to my email to you of last Tuesday. I look forward please to hearing from you with a date for interview amongst those I have supplied. If we cannot set a date and hold an interview over the next two three weeks I will have to consider drafting my report on the basis that I have not been able to speak to you. Obviously this is a situation I would wish very much to avoid.

I look forward to hearing from you.

Kind regards

Olwen

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Team Assistant: Jo Denton

direct: 0870 194 5042 | email: jo.denton@bevanbrittan.com

From: Olwen Dutton

Sent: 28 April 2015 11:04

To: 'David Leal-Bennett'

Subject: RE: confidential [BB-M.FID2439406]

Importance: High

Dear Cllr Leal-Bennett,

Thank you for your email below.

In the normal way, I have been asked to undertake an investigation into the complaints made against you under the Code of Conduct. You have a copy of those complaints and the detail of the allegations against you is set out in those complaints.

There is no provision either under the Localism Act or the Code of Conduct of North Herts DC which restricts issues to being addressed within one month; or indeed, so far as I can see, provides for any limitation in respect of a time period, and the assessment criteria adopted by your Council specifically refers to a "continuing pattern of behaviour" which by its nature take place over time.

I am afraid that I am not available on Sunday the 17th May. As my previous correspondence indicated, the dates upon which I am available in May are as follows: 11th, 13th, 18th, 19th, 21st. I can also now do the 5th and 6th May.

although I appreciate that these are leading up to the election next week so may be difficult for you; and the 15th and 22nd May. Please let me know as soon as possible which of these dates are suitable so that we can get arrangements in place. I would prefer the earliest date possible.

I will be able to let you have a list of areas that I wish to cover with you before we meet. However, these areas will of course, inevitably be based upon the issues outlined in the complaints, so I would suggest that if you consider those it will enable you to start to pull together what you may consider necessary to support you.

Thank you for informing me about the disciplinary process.

Kind regards

Olwen

Olwen Dutton | Partner
for Bevan Brittan LLP- The public services law firm

direct: 0870 194 5006 | mobile: 07500 060 858 | general: 0870 194 1000 | fax: 0870 194 5001
www.bevanbrittan.com

Team Assistant: Jo Denton
direct: 0870 194 5042 | email: jo.denton@bevanbrittan.com

From: David Leal-Bennett [mailto: [REDACTED]]
Sent: 27 April 2015 16:44
To: Olwen Dutton
Subject: RE: confidential [BB-M.FID2439406]

Dear Ms Olwen

I have now had a chance to look a little more fully at the 230 pages of material and I must say I am concerned and surprised that a large portion appears to be irrelevant, if not outdated, some going back to 2013.

Mr Scholes has grouped many items together to present an historic case but how long are you permitted to go back in this research; I have to question why have these matters only now been brought to a head? I was of the opinion that Code of Conduct issues had to be addressed within a certain time period, I thought this was within one month.

In addition much relates to my position as a trustee/director of Hitchin Town Hall Ltd and I have always been at pains to differentiate the two roles as a director/trustee and as a councillor.

It seems to me that details of your terms of reference are quite critical to these complaints and I am surprised that you are not prepared to share them with me even "after careful consideration".

I am in effect defending myself against some serious allegations and as such I believe I am entitled to receive more detail.

I respectfully request that you provide a list of the specific allegations and connected information that you are investigating, prior to our interview, to enable me to prepare against those allegations. In short I would wish to have information on the specific areas that you will be addressing. I am sure that you will appreciate that I do not wish to spend the many hours it will take checking documentation that you may disregard.

Once I have this information I will be able to nominate individuals, with a different if not specific input, to support my case and I will then be able to provide their names.

I will also be requesting critical information from NHDC under the FOI and ICO which I believe they are obliged to supply.

Currently I am looking at a date of Sunday May 17th for interview and will be accompanied by various representatives, my lawyer is currently in India and I am not sure of her movements but I hope she can attend, if not I will look for an alternate.

As an elected member I am conscious of the seven principles laid down in the Localism Act to which I adhere; I believe that there are some fundamental and democratic issues at stake here. You will no doubt have to decided the relevance of certain assertions and report accordingly.


Finally, in speaking with my lawyer earlier today it was suggested that you ought to at least be made aware of the fact that the Conservative Group is (tonight) debating the disciplinary issues against me. Naturally this involves the elected members that you have already interviewed and is related to actions and press comments.

I look forward to your response.

Regards

David Leal-Bennett

+44 (0)1462 441170

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From: Olwen Dutton [<mailto:Olwen.Dutton@bevanbrittan.com>]
Sent: 26 March 2015 21:23
To: David Leal-Bennett
Subject: RE: confidential [BB-M.FID2439406]

Dear Cllr Leal-Bennett,

Thank you for coming back to me so promptly.

I have asked for the complaints to be forwarded to you.

So far as confidentiality is concerned, it is usual to keep matters confidential during the investigative process, and under the provisions of the Councils Code of Conduct (para 3.3) you "must not disclose confidential information or information which should reasonably be regarded as being of a confidential nature". Once the investigation is completed it is usual for matters to be in the public domain but I would ask you please to keep matters confidential until that stage is reached.

Once you have been able to consider the complaints I would be grateful if you could confirm that you are willing to be interviewed by me. It is likely that I will be undertaking interviews at the Councils offices on Thursday 16th April 2015, so if you were available on that date it would be very convenient.

Please do not hesitate to contact me if there is anything about this process which you may wish to clarify with me.

Kind regards

Olwen

Olwen Dutton | Partner
for Bevan Brittan LLP- The public services law firm

direct: 0870 194 5006 | mobile: 07500 060 858 | general: 0870 194 1000 | fax: 0870 194 5001

www.bevanbrittan.com

Team Assistant: Jo Denton
direct: 0870 194 5042 | email: jo.denton@bevanbrittan.com

From: David Leal-Bennett [mailto: [REDACTED]]
Sent: 26 March 2015 09:37
To: Olwen Dutton
Subject: Re: confidential [BB-M.FID2439406]


Thank you

Please provide a copy of the complaint(s) and I may then consider.

Is there any reason why this should be kept confidential?

David Leal-Bennett
[REDACTED]

Sent from my iPhone


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On 25 Mar 2015, at 21:33, Olwen Dutton <Olwen.Dutton@bevanbrittan.com> wrote:

Dear Cllr Leal-Bennett

I refer to the complaints in respect of the Code of Conduct which have made against you and write to inform you that I have been appointed the Investigating Officer into these complaints. If you have not seen the complaints please let me know and I will provide them to you.

I would very much like to interview you as part of my investigation, ideally in the offices of North Herts District Council. Could you please confirm to me that you are prepared to be interviewed and I will ensure that arrangements can be made for this to take place at a mutually convenient date.

 If there are any documents or other evidence which you would like me to consider please either send these to me in advance or produce them at interview. In addition please let me know of any other people you think it may assist for me to interview.

I can be contacted by email, or please telephone me at the numbers given below. I will be very happy to answer any questions you may have about the investigative process. Otherwise I look forward to hearing from you with regard to interview.

Please keep matters confidential at this stage

Kind regards

Olwen

Olwen Dutton | Partner
for Bevan Brittan LLP- The public services law firm

direct: 0870 194 5006 | mobile: 07500 060 858 | general: 0870 194 1000 | fax: 0870 194 5001
www.bevanbrittan.com

Team Assistant: Jo Denton
direct: 0870 194 5042 | email: jo.denton@bevanbrittan.com

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Nadine Johns


From: David Leal-Bennett <dlb@syssof.net>
Sent: 15 May 2015 14:33
To: Olwen Dutton
Subject: RE: confidential [BB-M.FID2439406]

Sensitivity: Confidential


Dear Ms Dutton


Further to our telephone conversation, I have just rung the lawyer who has left for the weekend and will not be back until Tuesday. I have sent an email and may speak over the weekend if she responds. However I am at Chelsea all day Tuesday (one of two sacrosanct days each year) so may not be able to have contact until Wednesday.

I will keep you posted.

 Regards

David Leal-Bennett

 +44 (0)1462 441170

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From: Olwen Dutton [mailto:Olwen.Dutton@bevanbrittan.com]
Sent: 15 May 2015 13:37
To: 'dlb@syssof.net'
Subject: Re: confidential [BB-M.FID2439406]
Sensitivity: Confidential

Dear Cllr Leal-Bennett,

I look forward to hearing from you as soon as possible in relation to my email to you on 13th May as shown below.

Best wishes

Olwen
Olwen Dutton
Partner
Bevan Brittan LLP
0870 194 5006

From: Olwen Dutton
Sent: Wednesday, May 13, 2015 03:55 PM
To: David Leal-Bennett <

Subject: RE: confidential [BB-M.FID2439406]

Dear Cllr Leal-Bennett,

Thank you for your email.

In relation to the large number of people you would like me to interview, can you please let me know, in relation to each one, what relevant evidence they may be able to provide in relation to the complaints I am investigating so that I am clear about what evidence they may have? Once you have done so I will be able to contact them. It may of course be possible to interview them over the telephone, in order to save time and costs, as I am sure that they are all busy people. I would like to deal with them all as soon as possible.

I am, of course, anxious to obtain a balanced view but just to be clear, I am only investigating the complaints against you. I am not, for example, investigating the Hitchin Town Hall Project as a whole. Accordingly, whilst I do not wish to refuse to interview anyone you have put forward at this stage, I will only be interested in evidence which relates directly to the complaints made by Cllr Cowley and David Scholes. You have had copies of these complaints for several weeks now, together with the accompanying documentation, and I would suggest that you will focus on this.

As well as these interviews, are we able to get a date in the diary for me to come and see you? I am away from 8-29 June and was very much hoping to be in a position to issue my draft report before I went away so that it can be considered whilst I am on leave and finalised as soon as possible when I return.

Please let me have a date as soon as possible; I consider that there has already been ample time to agree this and if we cannot set a date for interview by the end of this week, that is by close of business on 15th May I will have to consider concluding my investigation without the benefit of interviewing you, and report that we were unable to agree upon a date. I do not wish to take this course of action but it may be, reluctantly, that I have to do so.

Kind regards

Olwen

Olwen Dutton | Partner
for Bevan Brittan LLP- The public services law firm

direct: 0870 194 5006 | mobile: 07500 060 858 | general: 0870 194 1000 | fax: 0870 194 5001
www.bevanbrittan.com

Team Assistant: Jo Denton
direct: 0870 194 5042 | email: jo.denton@bevanbrittan.com

From: David Leal-Bennett [mailto:]
Sent: 13 May 2015 15:02
To: Olwen Dutton
Subject: RE: confidential [BB-M.FID2439406]
Sensitivity: Confidential

Dear Ms Dutton

Thank you for your email, and yes indeed the election is over.

I am now ploughing through a multitude of emails but as agreed I did start to give this issue some attention on Monday and have subsequently been reading my way through the documentation.

I fear that getting this 'sorted out' by the end of next week is really not going to happen, especially as I wish you to interview some key individuals with whom I am currently liaising. These are named below and I will be giving you their contact details once I have briefed them all, to facilitate matters I will release these details as soon as I have contacted them.

The Rt Hon Peter Lilley MP
Judy Simmonds - Hertfordshire Area Conservatives Deputy Chair Political
Stephen Pike - Chairman Hitchin Town Hall Ltd. & Managing Partner Bradshaw Johnson Accountants

Rosemary Read - Director Hitchin Town Hall Ltd
Keith Hoskins- Hitchin Town Centre Manager
Ellie Clarke - Hitchin Forum
Cllr Claire Strong
Cllr Simon Harwood
Cllr John Harris
Charles Bunker - Former Chairman of Hitchin & Harpenden Conservative Association, Managing Partner Kerburn
Rose, Corporate Project Finance
John Simmonds - Former Chairman of Hitchin & Harpenden Conservative Association, Managing Partner Wagstaffs
Accountants
David Morgan - Lawyer HRJ Foreman Laws

It is extremely important that you obtain a balanced view since the individuals you have interviewed so far have no doubt painted a certain picture. You stated " and the assessment criteria adopted by your Council specifically refers to a "continuing pattern of behaviour" which by its nature take place over time." All of the people above are familiar with the machinations of Local Authorities and in particular NHDC as well as the difficulty there has been with not only HTH but also many other local issues.

In one of your earlier emails you also stated

"I will be able to let you have a list of areas that I wish to cover with you before we meet. However, these areas will of course, inevitably be based upon the issues outlined in the complaints, so I would suggest that if you consider those it will enable you to start to pull together what you may consider necessary to support you."


It would be helpful if you could let me have these specific areas since no doubt there are some aspects which you have dismissed and I would not wish to take up valuable time with these.

I will continue to progress matters and will let you have the contact details of the above individuals very shortly.

Regards

David Leal-Bennett

+44 (0)1462 441170

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From: Olwen Dutton [mailto:Olwen.Dutton@bevanbrittan.com]

Sent: 11 May 2015 15:14

To: David Leal-Bennett

Subject: RE: confidential [BB-M.FID2439406]

Importance: High

Sensitivity: Confidential

Dear Cllr Leal- Bennett,

Now that the elections are over I look forward to hearing from you with regard to a date for interview. I am anxious to get this sorted out as soon as possible, ideally this week or next.

We agreed some time ago that it would be best to get a date in the diary for interview but have not yet done so. You know of the dates when I am available; and just to be clear I am not available on Saturdays and Sundays.

Kind regards

Olwen

Olwen Dutton | Partner
for Bevan Brittan LLP- The public services law firm

direct: 0870 194 5006 | mobile: 07500 060 858 | general: 0870 194 1000 | fax: 0870 194 5001
www.bevanbrittan.com

Team Assistant: Jo Denton
direct: 0870 194 5042 | email: jo.denton@bevanbrittan.com

From: Olwen Dutton
Sent: 05 May 2015 17:31
To: 'David Leal-Bennett'
Subject: RE: confidential [BB-M.FID2439406]
Importance: High
Sensitivity: Confidential

Dear Cllr Leal-Bennett,

Thank you for your reply. I really think that it is important to agree a date for the interview as soon as possible, so that preparation can be done with that date in mind. Will you be able to do that on Monday please?

Kind regards

Olwen

Olwen Dutton | Partner
for Bevan Brittan LLP- The public services law firm

direct: 0870 194 5006 | mobile: 07500 060 858 | general: 0870 194 1000 | fax: 0870 194 5001
www.bevanbrittan.com


Team Assistant: Jo Denton
direct: 0870 194 5042 | email: jo.denton@bevanbrittan.com

From: David Leal-Bennett [mailto: [REDACTED]]
Sent: 05 May 2015 17:05
To: Olwen Dutton
Subject: RE: confidential [BB-M.FID2439406]
Sensitivity: Confidential

I apologise and I will give this my full consideration on Monday, it is not my intention to be awkward but I really am up against it with this Thursday looming.

David Leal-Bennett

☎ +44 (0)1462 441170

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From: Olwen Dutton [<mailto:Olwen.Dutton@bevanbrittan.com>]

Sent: 05 May 2015 16:52

To: David Leal-Bennett

Subject: RE: confidential [BB-M.FID2439406]

Importance: High

Sensitivity: Confidential

Dear Cllr Leal-Bennett,

I do not appear to have had any response to my email to you of last Tuesday. I look forward please to hearing from you with a date for interview amongst those I have supplied. If we cannot set a date and hold an interview over the next two three weeks I will have to consider drafting my report on the basis that I have not been able to speak to you. Obviously this is a situation I would wish very much to avoid.

I look forward to hearing from you.

Kind regards

Olwen

Olwen Dutton | Partner
for Bevan Brittan LLP- The public services law firm

direct: 0870 194 5006 | mobile: 07500 060 858 | general: 0870 194 1000 | fax: 0870 194 5001
www.bevanbrittan.com

Team Assistant: Jo Denton

direct: 0870 194 5042 | email: jo.denton@bevanbrittan.com

From: Olwen Dutton

Sent: 28 April 2015 11:04

To: 'David Leal-Bennett'

Subject: RE: confidential [BB-M.FID2439406]

Importance: High

Dear Cllr Leal-Bennett,

Thank you for your email below.

In the normal way, I have been asked to undertake an investigation into the complaints made against you under the Code of Conduct. You have a copy of those complaints and the detail of the allegations against you is set out in those complaints.

There is no provision either under the Localism Act or the Code of Conduct of North Herts DC which restricts issues to being addressed within one month; or indeed, so far as I can see, provides for any limitation in respect of a time period, and the assessment criteria adopted by your Council specifically refers to a "continuing pattern of behaviour" which by its nature take place over time.

I am afraid that I am not available on Sunday the 17th May. As my previous correspondence indicated, the dates upon which I am available in May are as follows: 11th, 13th, 18th, 19th, 21st. I can also now do the 5th and 6th May- although I appreciate that these are leading up to the election next week so may be difficult for you; and the 15th and 22nd May. Please let me know as soon as possible which of these dates are suitable so that we can get arrangements in place. I would prefer the earliest date possible.

I will be able to let you have a list of areas that I wish to cover with you before we meet. However, these areas will of course, inevitably be based upon the issues outlined in the complaints, so I would suggest that if you consider those it will enable you to start to pull together what you may consider necessary to support you.

Thank you for informing me about the disciplinary process.

Kind regards

Olwen

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for Bevan Brittan LLP- The public services law firm

direct: 0870 194 5006 | mobile: 07500 060 858 | general: 0870 194 1000 | fax: 0870 194 5001
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Team Assistant: Jo Denton
direct: 0870 194 5042 | email: jo.denton@bevanbrittan.com

From: David Leal-Bennett [mailto: [REDACTED]]
Sent: 27 April 2015 16:44
To: Olwen Dutton
Subject: RE: confidential [BB-M.FID2439406]

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Currently I am looking at a date of Sunday May 17th for interview and will be accompanied by various representatives, my lawyer is currently in India and I am not sure of her movements but I hope she can attend, if not I will look for an alternate.

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I look forward to your response.

Regards

David Leal-Bennett

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From: Olwen Dutton [mailto:Olwen.Dutton@bevanbrittan.com]

Sent: 26 March 2015 21:23

To: David Leal-Bennett

Subject: RE: confidential [BB-M.FID2439406]

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I have asked for the complaints to be forwarded to you.

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Once you have been able to consider the complaints I would be grateful if you could confirm that you are willing to be interviewed by me. It is likely that I will be undertaking interviews at the Councils offices on Thursday 16th April 2015, so if you were available on that date it would be very convenient.

Please do not hesitate to contact me if there is anything about this process which you may wish to clarify with me.

 Kind regards

Olwen

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for Bevan Brittan LLP- The public services law firm

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www.bevanbrittan.com

Team Assistant: Jo Denton
direct: 0870 194 5042 | email: jo.denton@bevanbrittan.com

From: David Leal-Bennett [mailto:████████████████████]

Sent: 26 March 2015 09:37

To: Olwen Dutton

Subject: Re: confidential [BB-M.FID2439406]

Thank you

Please provide a copy of the complaint(s) and I may then consider.

Is there any reason why this should be kept confidential?

David Leal-Bennett

Sent from my iPhone

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On 25 Mar 2015, at 21:33, Olwen Dutton <Olwen.Dutton@bevanbrittan.com> wrote:

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I would very much like to interview you as part of my investigation, ideally in the offices of North Herts District Council. Could you please confirm to me that you are prepared to be interviewed and I will ensure that arrangements can be made for this to take place at a mutually convenient date.

If there are any documents or other evidence which you would like me to consider please either send these to me in advance or produce them at interview. In addition please let me know of any other people you think it may assist for me to interview.

I can be contacted by email, or please telephone me at the numbers given below. I will be very happy to answer any questions you may have about the investigative process. Otherwise I look forward to hearing from you with regard to interview.

Please keep matters confidential at this stage

Kind regards

Olwen

Olwen Dutton | Partner
for Bevan Brittan LLP- The public services law firm

direct: 0870 194 5006 | mobile: 07500 060 858 | general: 0870 194 1000 | fax: 0870 194 5001
www.bevanbrittan.com

Team Assistant: Jo Denton
direct: 0870 194 5042 | email: jo.denton@bevanbrittan.com

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Nadine Johns

From: Olwen Dutton
Sent: 15 May 2015 14:37
To: David Leal-Bennett
Subject: RE: confidential [BB-M.FID2439406]

Sensitivity: Confidential

Dear Cllr Leal-Bennett,

Thank you for keeping me informed. I have put Friday 22nd in my diary and hope to see you then at 10 am subject to your confirmation.

Kind regards

Olwen

Olwen Dutton | Partner
for Bevan Brittan LLP- The public services law firm

direct: 0870 194 5006 | mobile: 07500 060 858 | general: 0870 194 1000 | fax: 0870 194 5001
www.bevanbrittan.com

Team Assistant: Jo Denton
direct: 0870 194 5042 | email: jo.denton@bevanbrittan.com

From: David Leal-Bennett [mailto:████████████████████]
Sent: 15 May 2015 14:33
To: Olwen Dutton
Subject: RE: confidential [BB-M.FID2439406]
Sensitivity: Confidential

Dear Ms Dutton


Further to our telephone conversation. I have just rung the lawyer who has left for the weekend and will not be back until Tuesday. I have sent an email and may speak over the weekend if she responds. However I am at Chelsea all day Tuesday (one of two sacrosanct days each year) so may not be able to have contact until Wednesday.

I will keep you posted.

Regards

David Leal-Bennett

+44 (0)1462 441170

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From: Olwen Dutton [<mailto:Olwen.Dutton@bevanbrittan.com>]
Sent: 15 May 2015 13:37
To: 'dlb@syssol.net'
Subject: Re: confidential [BB-M.FID2439406]
Sensitivity: Confidential

Dear Cllr Leal-Bennett,

I look forward to hearing from you as soon as possible in relation to my email to you on 13th May as shown below.

Best wishes

Olwen
Olwen Dutton
Partner
Bevan Brittan LLP
0870 194 5006

From: Olwen Dutton
Sent: Wednesday, May 13, 2015 03:55 PM
To: David Leal-Bennett [REDACTED]
Subject: RE: confidential [BB-M.FID2439406]

Dear Cllr Leal-Bennett,

Thank you for your email.

In relation to the large number of people you would like me to interview, can you please let me know, in relation to each one, what relevant evidence they may be able to provide in relation to the complaints I am investigating so that I am clear about what evidence they may have? Once you have done so I will be able to contact them. It may of course be possible to interview them over the telephone, in order to save time and costs, as I am sure that they are all busy people. I would like to deal with them all as soon as possible.

I am, of course, anxious to obtain a balanced view but just to be clear, I am only investigating the complaints against you. I am not, for example, investigating the Hitchin Town Hall Project as a whole. Accordingly, whilst I do not wish to refuse to interview anyone you have put forward at this stage, I will only be interested in evidence which relates directly to the complaints made by Cllr Cowley and David Scholes. You have had copies of these complaints for several weeks now, together with the accompanying documentation, and I would suggest that you will focus on this.

As well as these interviews, are we able to get a date in the diary for me to come and see you? I am away from 8-29 June and was very much hoping to be in a position to issue my draft report before I went away so that it can be considered whilst I am on leave and finalised as soon as possible when I return.

Please let me have a date as soon as possible; I consider that there has already been ample time to agree this and if we cannot set a date for interview by the end of this week, that is by close of business on 15th May I will have to consider concluding my investigation without the benefit of interviewing you, and report that we were unable to agree upon a date. I do not wish to take this course of action but it may be, reluctantly, that I have to do so.

Kind regards

Olwen

Olwen Dutton | Partner
for Bevan Brittan LLP- The public services law firm

direct: 0870 194 5006 | mobile: 07500 060 858 | general: 0870 194 1000 | fax: 0870 194 5001
www.bevanbrittan.com

Team Assistant: Jo Denton
direct: 0870 194 5042 | email: jo.denton@bevanbrittan.com

From: David Leal-Bennett [mailto: [REDACTED]]
Sent: 13 May 2015 15:02
To: Olwen Dutton
Subject: RE: confidential [BB-M.FID2439406]
Sensitivity: Confidential

Dear Ms Dutton

Thank you for your email, and yes indeed the election is over.

I am now ploughing through a multitude of emails but as agreed I did start to give this issue some attention on Monday and have subsequently been reading my way through the documentation.

I fear that getting this 'sorted out' by the end of next week is really not going to happen, especially as I wish you to interview some key individuals with whom I am currently liaising. These are named below and I will be giving you their contact details once I have briefed them all, to facilitate matters I will release these details as soon as I have contacted them.

The Rt Hon Peter Lilley MP
Judy Simmonds - Hertfordshire Area Conservatives Deputy Chair Political
Stephen Pike - Chairman Hitchin Town Hall Ltd. & Managing Partner Bradshaw Johnson Accountants
Rosemary Read - Director Hitchin Town Hall Ltd
Keith Hoskins - Hitchin Town Centre Manager
Ellie Clarke - Hitchin Forum
Cllr Claire Strong
Cllr Simon Harwood
Cllr John Harris
Charles Bunker - Former Chairman of Hitchin & Harpenden Conservative Association, Managing Partner Kerburn Rose, Corporate Project Finance
John Simmonds - Former Chairman of Hitchin & Harpenden Conservative Association, Managing Partner Wagstaffs Accountants
David Morgan - Lawyer HRJ Foreman Laws

It is extremely important that you obtain a balanced view since the individuals you have interviewed so far have no doubt painted a certain picture. You stated "and the assessment criteria adopted by your Council specifically refers to a "continuing pattern of behaviour" which by its nature take place over time." All of the people above are familiar with the machinations of Local Authorities and in particular NHDC as well as the difficulty there has been with not only HTH but also many other local issues.

In one of your earlier emails you also stated

"I will be able to let you have a list of areas that I wish to cover with you before we meet. However, these areas will of course, inevitably be based upon the issues outlined in the complaints, so I would suggest that if you consider those it will enable you to start to pull together what you may consider necessary to support you."


It would be helpful if you could let me have these specific areas since no doubt there are some aspects which you have dismissed and I would not wish to take up valuable time with these.

I will continue to progress matters and will let you have the contact details of the above individuals very shortly.

Regards

David Leal-Bennett

+44 (0)1462 441170

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From: Olwen Dutton [<mailto:Olwen.Dutton@bevanbrittan.com>]
Sent: 11 May 2015 15:14
To: David Leal-Bennett
Subject: RE: confidential [BB-M.FID2439406]
Importance: High
Sensitivity: Confidential

Dear Cllr Leal- Bennett,

Now that the elections are over I look forward to hearing from you with regard to a date for interview. I am anxious to get this sorted out as soon as possible, ideally this week or next.

We agreed some time ago that it would be best to get a date in the diary for interview but have not yet done so. You know of the dates when I am available; and just to be clear I am not available on Saturdays and Sundays.

Kind regards

Olwen

Olwen Dutton | Partner
for Bevan Brittan LLP- The public services law firm

direct: 0870 194 5006 | mobile: 07500 060 858 | general: 0870 194 1000 | fax: 0870 194 5001
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Team Assistant: Jo Denton
direct: 0870 194 5042 | email: jo.denton@bevanbrittan.com

From: Olwen Dutton
Sent: 05 May 2015 17:31
To: 'David Leal-Bennett'
Subject: RE: confidential [BB-M.FID2439406]
Importance: High
Sensitivity: Confidential

Dear Cllr Leal-Bennett,

Thank you for your reply. I really think that it is important to agree a date for the interview as soon as possible, so that preparation can be done with that date in mind. Will you be able to do that on Monday please?

Kind regards

Olwen

Olwen Dutton | Partner
for Bevan Brittan LLP- The public services law firm

direct: 0870 194 5006 | mobile: 07500 060 858 | general: 0870 194 1000 | fax: 0870 194 5001
www.bevanbrittan.com


Team Assistant: Jo Denton
direct: 0870 194 5042 | email: jo.denton@bevanbrittan.com

From: David Leal-Bennett [mailto: [REDACTED]]
Sent: 05 May 2015 17:05
To: Olwen Dutton
Subject: RE: confidential [BB-M.FID2439406]
Sensitivity: Confidential

I apologise and I will give this my full consideration on Monday, it is not my intention to be awkward but I really am up against it with this Thursday looming.

David Leal-Bennett

+44 (0)1462 441170

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From: Olwen Dutton [mailto:Olwen.Dutton@bevanbrittan.com]
Sent: 05 May 2015 16:52
To: David Leal-Bennett
Subject: RE: confidential [BB-M.FID2439406]
Importance: High
Sensitivity: Confidential

Dear Cllr Leal-Bennett,

I do not appear to have had any response to my email to you of last Tuesday. I look forward please to hearing from you with a date for interview amongst those I have supplied. If we cannot set a date and hold an interview over the next two three weeks I will have to consider drafting my report on the basis that I have not been able to speak to you. Obviously this is a situation I would wish very much to avoid.

I look forward to hearing from you.

Kind regards

Olwen

Olwen Dutton | Partner
for Bevan Brittan LLP- The public services law firm

direct: 0870 194 5006 | mobile: 07500 060 858 | general: 0870 194 1000 | fax: 0870 194 5001
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Team Assistant: Jo Denton
direct: 0870 194 5042 | email: jo.denton@bevanbrittan.com

From: Olwen Dutton
Sent: 28 April 2015 11:04
To: 'David Leal-Bennett'
Subject: RE: confidential [BB-M.FID2439406]
Importance: High

Dear Cllr Leal-Bennett,

Thank you for your email below.

In the normal way, I have been asked to undertake an investigation into the complaints made against you under the Code of Conduct. You have a copy of those complaints and the detail of the allegations against you is set out in those complaints.

There is no provision either under the Localism Act or the Code of Conduct of North Herts DC which restricts issues to being addressed within one month; or indeed, so far as I can see, provides for any limitation in respect of a time period, and the assessment criteria adopted by your Council specifically refers to a "continuing pattern of behaviour" which by its nature take place over time.

I am afraid that I am not available on Sunday the 17th May. As my previous correspondence indicated, the dates upon which I am available in May are as follows: 11th; 13th; 16th; 19th; 21st. I can also now do the 5th and 6th May, although I appreciate that these are leading up to the election next week so may be difficult for you; and the 15th and 22nd May. Please let me know as soon as possible which of these dates are suitable so that we can get arrangements in place. I would prefer the earliest date possible.

I will be able to let you have a list of areas that I wish to cover with you before we meet. However, these areas will of course, inevitably be based upon the issues outlined in the complaints, so I would suggest that if you consider those it will enable you to start to pull together what you may consider necessary to support you.

Thank you for informing me about the disciplinary process.

Kind regards

Olwen

Olwen Dutton | Partner
for Bevan Brittan LLP- The public services law firm

direct: 0870 194 5006 | mobile: 07500 060 858 | general: 0870 194 1000 | fax: 0870 194 5001
www.bevanbrittan.com

Team Assistant: Jo Denton
direct: 0870 194 5042 | email: jo.denton@bevanbrittan.com

From: David Leal-Bennett [mailto:████████████████████]
Sent: 27 April 2015 16:44
To: Olwen Dutton
Subject: RE: confidential [BB-M.FID2439406]

Dear Ms Olwen

I have now had a chance to look a little more fully at the 230 pages of material and I must say I am concerned and surprised that a large portion appears to be irrelevant, if not outdated, some going back to 2013.

Mr Scholes has grouped many items together to present an historic case but how long are you permitted to go back in this research; I have to question why have these matters only now been brought to a head? I was of the opinion that Code of Conduct issues had to be addressed within a certain time period, I thought this was within one month.

In addition much relates to my position as a trustee/director of Hitchin Town Hall Ltd and I have always been at pains to differentiate the two roles as a director/trustee and as a councillor.

It seems to me that details of your terms of reference are quite critical to these complaints and I am surprised that you are not prepared to share them with me even "after careful consideration".

I am in effect defending myself against some serious allegations and as such I believe I am entitled to receive more detail.

I respectfully request that you provide a list of the specific allegations and connected information that you are investigating, prior to our interview, to enable me to prepare against those allegations. In short I would wish to have information on the specific areas that you will be addressing. I am sure that you will appreciate that I do not wish to spend the many hours it will take checking documentation that you may disregard.

Once I have this information I will be able to nominate individuals, with a different if not specific input, to support my case and I will then be able to provide their names.

I will also be requesting critical information from NHDC under the FOI and ICO which I believe they are obliged to supply.

Currently I am looking at a date of Sunday May 17th for interview and will be accompanied by various representatives, my lawyer is currently in India and I am not sure of her movements but I hope she can attend, if not I will look for an alternate.

As an elected member I am conscious of the seven principles laid down in the Localism Act to which I adhere; I believe that there are some fundamental and democratic issues at stake here. You will no doubt have to decide the relevance of certain assertions and report accordingly.


Finally, in speaking with my lawyer earlier today it was suggested that you ought to at least be made aware of the fact that the Conservative Group is (tonight) debating the disciplinary issues against me. Naturally this involves the elected members that you have already interviewed and is related to actions and press comments.

I look forward to your response.

Regards

David Leal-Bennett

+44 (0)1462 441170

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From: Olwen Dutton [<mailto:Olwen.Dutton@bevanbrittan.com>]
Sent: 26 March 2015 21:23
To: David Leal-Bennett
Subject: RE: confidential [BB-M.FID2439406]

Dear Cllr Leal-Bennett,

Thank you for coming back to me so promptly.

I have asked for the complaints to be forwarded to you.

So far as confidentiality is concerned, it is usual to keep matters confidential during the investigative process, and under the provisions of the Councils Code of Conduct (para 3.3) you "must not disclose confidential information or information which should reasonably be regarded as being of a confidential nature". Once the investigation is completed it is usual for matters to be in the public domain but I would ask you please to keep matters confidential until that stage is reached.

Once you have been able to consider the complaints I would be grateful if you could confirm that you are willing to be interviewed by me. It is likely that I will be undertaking interviews at the Councils offices on Thursday 16th April 2015, so if you were available on that date it would be very convenient.

Please do not hesitate to contact me if there is anything about this process which you may wish to clarify with me.


Kind regards

Olwen

Olwen Dutton | Partner
for Bevan Brittan LLP- The public services law firm

direct: 0870 194 5006 | mobile: 07500 060 858 | general: 0870 194 1000 | fax: 0870 194 5001
www.bevanbrittan.com

Team Assistant: Jo Denton
direct: 0870 194 5042 | email: jo.denton@bevanbrittan.com

From: David Leal-Bennett [<mailto:> 
Sent: 26 March 2015 09:37
To: Olwen Dutton
Subject: Re: confidential [BB-M.FID2439406]

Thank you

Please provide a copy of the complaint(s) and I may then consider.

Is there any reason why this should be kept confidential?

David Leal-Bennett


Sent from my iPhone

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On 25 Mar 2015, at 21:33, Olwen Dutton <Olwen.Dutton@bevanbrittan.com> wrote:

Dear Cllr Leal-Bennett

I refer to the complaints in respect of the Code of Conduct which have been made against you and write to inform you that I have been appointed the Investigating Officer into these complaints. If you have not seen the complaints please let me know and I will provide them to you.

I would very much like to interview you as part of my investigation, ideally in the offices of North Herts District Council. Could you please confirm to me that you are prepared to be interviewed and I will ensure that arrangements can be made for this to take place at a mutually convenient date.

If there are any documents or other evidence which you would like me to consider please either send these to me in advance or produce them at interview. In addition please let me know of any other people you think it may assist for me to interview.

I can be contacted by email, or please telephone me at the numbers given below. I will be very happy to answer any questions you may have about the investigative process. Otherwise I look forward to hearing from you with regard to interview.

Please keep matters confidential at this stage

Kind regards

Olwen

Olwen Dutton | Partner
for Bevan Brittan LLP- The public services law firm

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www.bevanbrittan.com

Team Assistant: Jo Denton
direct: 0870 194 5042 | email: jo.denton@bevanbrittan.com

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Nadine Johns

From: Olwen Dutton
Sent: 20 May 2015 09:31
To: David Leal-Bennett
Subject: RE: confidential [BB-M.FID2439406]

Dear Cllr Leal-Bennett,

Thank you. In the circumstances I feel that it has reached the point where I should advise those instructing me that, regrettably, I think that I have given you ample opportunity to be interviewed but that despite strenuous efforts on my part it has proved impossible to set a date to do so, and given the history of our correspondence I frankly think that it is unlikely that one is going to come forward in the foreseeable future.

Accordingly I propose to draft my report without the benefit of being able to interview you. I will of course take account of any representations that you make about this, but I do not feel that the matter can be allowed to drag on.

Kind regards

Olwen

Olwen Dutton | Partner
for Bevan Brittan LLP- The public services law firm

direct: 0870 194 5006 | mobile: 07500 060 858 | general: 0870 194 1000 | fax: 0870 194 5001
www.bevanbrittan.com

Team Assistant: Jo Denton
direct: 0870 194 5042 | email: jo.denton@bevanbrittan.com

From: David Leal-Bennett [mailto: [REDACTED]]
Sent: 20 May 2015 09:17
To: Olwen Dutton
Subject: Re: confidential

I am still in London and have only a few minutes ago emailed a response to my lawyer saying I will call her tomorrow with a view to meeting up, as such we will not be able to make Friday.

David Leal-Bennett
[REDACTED]

Sent from my iPhone

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On 20 May 2015, at 09:08, Olwen Dutton <Olwen.Dutton@bevanbrittan.com> wrote:

Dear Cllr Leal-Bennett,

Could you please let me know as soon as possible if we will be able to meet for interview this coming Friday, 22nd May.

Kind regards

Olwen

Olwen Dutton | Partner
for Bevan Brittan LLP- The public services law firm

direct: 0870 194 5006 | mobile: 07500 060 858 | general: 0870 194 1000 | fax: 0870 194 5001
www.bevanbrittan.com

Team Assistant: Jo Denton
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Nadine Johns

From: Olwen Dutton
Sent: 20 May 2015 09:33
To: 'David Leal-Bennett'
Subject: RE: confidential [BB-M.FID2439406]
Attachments: RE: confidential [BB-M.FID2439406] ; RE: confidential [BB-M.FID2439406] ; RE: confidential [BB-M.FID2439406] ; RE: confidential [BB-M.FID2439406] ; RE: confidential [BB-M.FID2439406]

Dear Cllr Leal-Bennett,

Thank you. In the circumstances I feel that it has reached the point where I should advise those instructing me that, regrettably, I think that I have given you ample opportunity to be interviewed but that despite strenuous efforts on my part it has proved impossible to set a date to do so, and given the history of our correspondence I frankly think that it is unlikely that one is going to come forward in the foreseeable future.

Accordingly I propose to draft my report without the benefit of being able to interview you. I will of course take account of any representations that you make about this, but I do not feel that the matter can be allowed to drag on.

Kind regards

Olwen

Olwen Dutton | Partner
for Bevan Brittan LLP- The public services law firm

direct: 0870 194 5006 | mobile: 07500 060 858 | general: 0870 194 1000 | fax: 0870 194 5001
www.bevanbrittan.com

Team Assistant: Jo Denton
direct: 0870 194 5042 | email: jo.denton@bevanbrittan.com

From: David Leal-Bennett [mailto:██████████]
Sent: 20 May 2015 09:17
To: Olwen Dutton
Subject: Re: confidential

I am still in London and have only a few minutes ago emailed a response to my lawyer saying I will call her tomorrow with a view to meeting up, as such we will not be able to make Friday.

David Leal-Bennett
██████████

Sent from my iPhone

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On 20 May 2015, at 09:08, Olwen Dutton <Olwen.Dutton@bevanbrittan.com> wrote:

Dear Cllr Leal-Bennett,

Could you please let me know as soon as possible if we will be able to meet for interview this coming Friday, 22nd May.

Kind regards

Olwen

Olwen Dutton | Partner
for Bevan Brittan LLP- The public services law firm

direct: 0870 194 5006 | mobile: 07500 060 858 | general: 0870 194 1000 | fax: 0870 194 5001
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Team Assistant: Jo Denton
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Nadine Johns

From: Olwen Dutton
Sent: 22 May 2015 14:58
To: David Leal-Bennett
Subject: RE: confidential [BB-M.FID2439406]

Dear Cllr Leal- Bennett,

Thank you for your email. I have considered carefully what you have written. I am very disappointed that we have not been able to set a date for an interview and from the wording of your email it does not seem to me likely that we are likely to get there any time soon. I am not pressurizing you, but merely trying to move this matter along within a reasonable time scale.

I note your comments that "this is far more than a complaint against me but goes to the heart of how NHDC operates and the ethos of that organization". My instructions however, are to investigate the complaints made against you by Mr Scholes and by Cllr Cowley. I am not conducting an investigation into the operation or the ethos of NHDC, although if I am pointed in the course of my investigation to evidence which I consider does raise issues of significance so far as these or indeed other areas are concerned I will of course consider whether it would be responsible for me to make recommendations or referrals about these, either in my report or separately.

In an attempt to steer a course between moving this on and allowing you a fair time, I propose the following approach, which I hope will at least enable you to provide me with your case in respect of the allegations against you as set out in the complaints.. I will not commence to draft my report until Monday 1st June and anticipate that it will be finished by Friday 6th June, given my other commitments. As we have been unable to meet I will consider any representations about the issues raised in the complaints which you get to me – ideally by email- before then. I will of course reserve the right to change this timescale if it appears to me to be appropriate to do so.

My draft report will then be sent to you and the complainants and my instructing Monitoring Officer, as a confidential draft upon which you will have a reasonable period, probably three weeks, in which you may make comments, and I will consider these comments when I finalise my report.

Kind regards

Olwen

Olwen Dutton | Partner
for Bevan Brittan LLP- The public services law firm

direct: 0870 194 5006 | mobile: 07500 060 858 | general: 0870 194 1000 | fax: 0870 194 5001
www.bevanbrittan.com

Team Assistant: Jo Denton
direct: 0870 194 5042 | email: jo.denton@bevanbrittan.com

From: David Leal-Bennett [mailto: [REDACTED]]
Sent: 20 May 2015 23:11
To: Olwen Dutton
Subject: Re: confidential [BB-M.FID2439406]

Dear Ms Dutton

I stated some time ago that I was unable to look at this until after the election and since then I have been giving it my attention.

NHDC have had many weeks/months to put together a file and collate information since the original press comment made by me back in February. This triggered a myriad of references going back years! ergo they have had all the time required. Clearly they have been putting pieces of information together since I first questioned their modus operandi when I was elected. I on the other hand have only had since the Monday after the election 11 May as well as doing my job.

This I find unacceptable.

If you wish to proceed without receiving any evidence or input from myself, nor speaking with any of the individuals I mentioned, then that is your decision.

I am incredibly busy and will not be pressurized for an interview without sufficient time to prepare.

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Sent from my iPhone

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Olwen

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for Bevan Brittan LLP- The public services law firm

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Team Assistant: Jo Denton
direct: 0870 194 5042 | email: jo.denton@bevanbrittan.com

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Nadine Johns

From: Olwen Dutton
Sent: 03 June 2015 18:37
To: David Leal-Bennett
Cc: Jo Denton
Subject: RE: confidential [BB-M.FID2439406]

Importance: High
Sensitivity: Confidential

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Sent: 08 June 2015 17:55
To: Olwen Dutton
Cc: Jo Denton
Subject: RE: confidential [BB-M.FID2439406]
Attachments: nmoss_info_request.pdf

Sensitivity: Confidential

See attached

David Leal-Bennett

+44 (0)1462 441170

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Thurlstone House
26 The Avenue
Hitchin SG4 9RJ

t: +44 (0) 1462 441170
m: +44 [REDACTED]

8th June 2015

N Moss Esq.
Independent Person

[REDACTED]
Ashwell
Hertfordshire SG7 5NT

Dear Mr Moss

Formal Complaint under the Council's Standards Arrangements

I refer to the Complaint Form from Mr Scholes accompanied by his memorandum to the Monitoring Officer, neither of which were signed or dated, together with some 250 pages of "supporting evidence"; these being copied to me on 27th March 2015.

In his "supporting evidence" Mr Scholes provided "some material that may be regarded as older than normally considered" to demonstrate that this might "represent a pattern of behaviour that is contrary to the Councils' Code of Conduct and Protocol".

He has also suggested that my conduct could be regarded as "bullying or harassment".

Since Mr Scholes has provided a considerable amount of material that relates to my position whilst a director/trustee of Hitchin Town Hall Ltd, I feel it only appropriate that information concerning this association also be supplied to enable me to present information that might also "represent a pattern of behaviour" of certain NHDC officers.

In order to prepare for any "defence" I expect there to be Full Disclosure of the facts, as mentioned in the Attorney General's Guidelines on 'Disclosure' which state: "The 'golden rule' is that fairness requires full disclosure should be made of all material held by the prosecution that weakens its case or strengthens that of the defence."

Clearly it would be inappropriate to request any information direct from Mr Scholes so I am therefore formally requesting that you or NHDC officers provide the following information:

- A complete copy of all data, both hard copy and electronically, held on me personally or any member of my family, this may well go back to before I was elected.
- The report from the Local Government Association which was delivered to the Chief Executive following his investigation into the formal complaints (some thirteen), made against Mr Robinson by the directors/trustees of Hitchin Town Hall Ltd. Please also supply copies of all correspondence exchanged between NHDC and the LGA and any internal memos or file notes.

Additionally there are some significant areas where important information has not been provided, specifically concerning the accusation by the Monitoring Officer that I had

conducted a "Criminal Offence", which was later referred to the police and subsequently dismissed.

I am therefore formally requesting that you or NHDC officers provide the following information:

- Copies of all correspondence with the Police and NHDC's legal counsel concerning the alleged "Criminal Offence". This to include all correspondence and memos of telephone conversation between NHDC and police officers. Notes of meetings both before and subsequent to my interview with Detective Superintendent Nathan Briant on 20th February 2015.

I look forward to your response in order that I might present this information with my own comments to the lawyers who are investigating the complaint made by Mr Scholes.

Yours sincerely

D L Leal-Bennett
Highbury Ward Councillor
Chair Hitchin Area Committee

cc Ms O Dutton, Partner, Bevan Brittan LLP, Interchange Place, Edmund Street, Birmingham B3 2TA

Confidential

Nadine Johns

From: David Leal-Bennett <david@hitchinconservatives.co.uk>
Sent: 12 June 2015 13:26
To: 'Jeanette Thompson'
Cc: Olwen Dutton; 'Gavin Miles'
Subject: RE: CONFIDENTIAL - REQUEST FOR INFORMATION

Sensitivity: Confidential

Dear Ms Thompson

I thought the letter to Mr Moss was self explanatory and I expected him to respond, it was sent direct to him for a reason and in confidence. It is NOT an FOI or ICO request but a requirement in order that I might defend myself. It may not be a 'criminal' investigation (incidentally part of the request relates to criminality) but it is certainly a civil matter and is a direct attack on my integrity, ergo I expect the material to be delivered.

When I quoted the Attorney General's Guidelines on 'Disclosure', it was for a reason since these guidelines are the basis of fair investigation and are at the heart of this country's democratic process and should be followed with all investigations, not just criminal.

NHDC, through the CEO, has delved into their files, much of which is old and of a personal nature and many instances where I was acting as a director/trustee of Hitchin Town Hall Ltd. Mr Scholes's quote "represent a pattern of behaviour that is contrary to the Councils' Code of Conduct and Protocol" is all that I am trying to counter.


Should you wish to treat this as an FOI request then that is up to you, for my part I require all the information and not redacted.

NHDC appears to be hiding behind 'process'.

I look forward to your response.

David Leal-Bennett
Highbury Ward Councillor

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From: Jeanette Thompson [mailto:Jeanette.Thompson@north-herts.gov.uk]
Sent: 12 June 2015 10:06
To: Cllr Leal-Bennett (external)
Cc: Olwen.Dutton@bevanbrittan.com; Gavin Miles (gavin.miles@broxbourne.gov.uk)
Subject: CONFIDENTIAL - REQUEST FOR INFORMATION
Importance: High
Sensitivity: Confidential

Dear Cllr Leal-Bennett,

I understand that you have sent a request for information to the Independent Person, Mr. Nicholas Moss under cover of letter dated 8 June. A copy was sent to me by Olwen Dutton and Mr. Moss discussed this with me yesterday. For the purposes of this matter I shall be co-ordinating documentation for Mr. Gavin Miles (the Monitoring Officer for the purposes of the investigation)/ and the investigator Ms. Dutton. In doing so I am acting as Deputy Monitoring Officer.

In terms of the requests, these appear to be set out under three bullet points, which I have set out numerically below:

1. A complete copy of all data, both hard copy and electronically, held on me personally or any member of my family, this may well go back to before I was elected.
2. The report from the Local Government Association which was delivered to the Chief Executive following his investigation into the formal complaints (some thirteen), made against Mr Robinson by the directors/trustees of Hitchin Town Hall Ltd. Please also supply copies of all correspondence exchanged between NHDC and the LGA and any internal memos or file notes.
3. Copies of all correspondence with the Police and NHDC's legal counsel concerning the alleged "Criminal Offence". This to include all correspondence and memos of telephone conversation between NHDC and police officers. Notes of meetings both before and subsequent to my interview with Detective Superintendent Nathan Briant on 20th February 2015.

You are of course entitled to request information from the Council. However, as this is not a criminal investigation, then requests at this stage have to be made as per the legal requirements for requesting such information (under the Data Protection Act 1998, Freedom of Information Act 2000/ Environmental Information Regulations 2004). They will then be handled according to those requirements

In terms of the request detailed under number 1 above -- this is a request for personal data. Therefore ***you (or any family Member wishing to make such a request) must submit a subject access request*** in writing (to the data protection officer), provide proof of identity and pay a fee of £10. I have attached the link to the page on the Council's website which sets out the process:

<http://www.north-herts.gov.uk/home/council-performance-and-data/data-protection-and-freedom-information/data-protection/data>

Your request will be processed as soon as you/ your family have done so.

In terms of requests 2 and 3 above, this should be registered as a freedom of information request. You may formally make that request yourself (<http://web.north-herts.gov.uk/FOI/Default.aspx>) or I can forward this for you. ***However, as you have marked the letter to Mr Moss as confidential, I shall await confirmation from you that you want me to forward this request to the relevant freedom of information officer. If I do not hear further from you I shall presume that you have decided not to proceed with the request/ or you have made the request directly yourself.***

Yours sincerely,

Jeanette Thompson
Senior Lawyer
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North Hertfordshire District Council
Council Offices, Gernon Road
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Nadine Johns

From: Olwen Dutton
Sent: 14 July 2015 21:53
To: David Leal-Bennett
Cc: Jo Denton
Subject: RE: confidential [BB-M.FID2439406]

Importance: High
Sensitivity: Confidential

Dear Cllr Leal-Bennett,

I refer to my email to you of 3rd June- set out below.

I understand that you have not contacted Ms Denton in the interim to arrange an appointment for interview. Nor have you indicated the areas you wished me to cover with the persons you previously indicated you would like me to interview as witnesses on your behalf. The only correspondence over the intervening period is an FOI request made by you, which the council is, I understand, dealing with.

Accordingly, I am proceeding to write my report. As I have previously informed you, this will be prepared in draft and you will be provided with a copy. I will consider any responses you provide before the report is finalised.

Regards,

Olwen

Olwen Dutton | Partner
for Bevan Brittan LLP- Lawyers for the public, private and third sectors

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Team Assistant: Jo Denton
direct: 0870 194 5042 | email: jo.denton@bevanbrittan.com

From: Olwen Dutton
Sent: 03 June 2015 18:37
To: 'David Leal-Bennett'
Cc: Jo Denton
Subject: RE: confidential [BB-M.FID2439406]
Importance: High
Sensitivity: Confidential

Dear Cllr Leal-Bennett,

I note that I have not received any response to my email to you below. In that email I indicated my disappointment that we had not been able to reach a date for interview and set out a proposed course of action about the report. I also indicated that I would change the timescale if I felt it appropriate to do so.

Whilst I have commenced the initial drafting of my report I am unlikely to finish it in time to send out on Friday. As I go away on annual leave the following week I feel that in the circumstances it is appropriate to allow you this further time to consider the complaints against you, which I hope, given the work that you have indicated you have already done on this, plenty of time to finish your preparation for interview. I would also be grateful if you could indicate the areas which you wish me to cover with the witnesses whose names you provided previously to me, as I have heard nothing further from you in that regard.

I would however ask that whilst I am away you arrange with my PA, Jo Denton, (who is copied into this email and whose telephone number is given below) a definite interview date to take place as soon as possible after my return in

late June. I really do not feel that the matter can be allowed to run on beyond then, and so if no acceptable date has been set by then I will finalise my draft report forthwith.

Regards,

Olwen

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Team Assistant: Jo Denton
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From: Olwen Dutton
Sent: 22 May 2015 14:58
To: 'David Leal-Bennett'
Subject: RE: confidential [BB-M.FID2439406]

Dear Cllr Leal- Bennett,

Thank you for your email. I have considered carefully what you have written. I am very disappointed that we have not been able to set a date for an interview and from the wording of your email it does not seem to me likely that we are likely to get there any time soon. I am not pressurizing you, but merely trying to move this matter along within a reasonable time scale.

I note your comments that "this is far more than a complaint against me but goes to the heart of how NHDC operates and the ethos of that organization". My instructions however, are to investigate the complaints made against you by Mr Scholes and by Cllr Cowley. I am not conducting an investigation into the operation or the ethos of NHDC, although if I am pointed in the course of my investigation to evidence which I consider does raise issues of significance so far as these or indeed other areas are concerned I will of course consider whether it would be responsible for me to make recommendations or referrals about these, either in my report or separately.

In an attempt to steer a course between moving this on and allowing you a fair time, I propose the following approach, which I hope will at least enable you to provide me with your case in respect of the allegations against you as set out in the complaints.. I will not commence to draft my report until Monday 1st June and anticipate that it will be finished by Friday 5th June, given my other commitments. As we have been unable to meet I will consider any representations about the issues raised in the complaints which you get to me – Ideally by email- before then. I will of course reserve the right to change this timescale if it appears to me to be appropriate to do so.

My draft report will then be sent to you and the complainants and my Instructing Monitoring Officer, as a confidential draft upon which you will have a reasonable period, probably three weeks, in which you may make comments, and I will consider these comments when I finalise my report.

Kind regards

Olwen

Olwen Dutton | Partner
for Bevan Brittan LLP- The public services law firm

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Team Assistant: Jo Denton
direct: 0870 194 5042 | email: jo.denton@bevanbrittan.com

From: David Leal-Bennett [<mailto:dlb@syssol.net>]
Sent: 20 May 2015 23:11

To: Olwen Dutton
Subject: Re: confidential [BB-M.FID2439406]

Dear Ms Dutton

I stated some time ago that I was unable to look at this until after the election and since then I have been giving it my attention.

NHDC have had many weeks/months to put together a file and collate information since the original press comment made by me back in February. This triggered a myriad of references going back years! ergo they have had all the time required. Clearly they have been putting pieces of information together since I first questioned their modus operandi when I was elected. I on the other hand have only had since the Monday after the election 11 May as well as doing my job.

This I find unacceptable.

If you wish to proceed without receiving any evidence or input from myself, nor speaking with any of the individuals I mentioned, then that is your decision.

I am incredibly busy and will not be pressurized for an interview without sufficient time to prepare.

As mentioned I have read about half of the 252 pages of information submitted. If you wish to proceed on the basis you suggest I will not bother to read the remainder and waste my time.

You will no doubt realize, from the information that you have to date, that I am a fairly direct individual with a professional background. I understand that you have a client and have to report to them, you also no doubt have a budget and timeframe. Being a professional you will also realize that this is far more than a complaint against me but goes to the heart of how NHDC operates and the ethos of that organization.

At the core of this is my involvement as a director/trustee of HTH Ltd a charity which raised over £1m for a partnership project with NHDC and which is now likely to cost the taxpayer that amount instead. In this regard and as a Cllr. I have been continually harassed by officers and given "advice" from the monitoring officer much of which has been highly questionable and incorrect.

I have dared to question officers and have clearly caused resentment especially as I have had the full support of the CCA and the Minister regarding my interpretation and stance and I am still in dialogue with them concerning legal redress to NHDC re the poor advice provided.

Whilst not the subject of this enquiry, but linked, you should be aware that there are separate formal complaints against the leader of the council and the monitoring officer. With the latter there has been a complaint made to the SRA.

I am prepared to be interviewed but only when I have given this multitude of issues my fullest consideration. If this does not fit within your budget or timeframe then please proceed on the basis suggested. I understand that your client is keen to proceed but I will not be harassed.

Out of interest you might like to request the whole file that NHDC have on the criminal case they threatened me with and which was thrown out by the police as having insufficient evidence and a waste of time. Again I was foolish enough to question "advice". This failure has now been swiftly followed by the latest CoC complaint and frankly is a complete waste of taxpayers money and for what? As a professional you might like to consider and question the approach of your client.

I would stress I have nothing against you or your firm as you are attempting to do your job. However you may wish to query your remit.

David Leal-Bennett

Sent from my iPhone

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On 20 May 2015, at 09:30, Olwen Dutton <Olwen.Dutton@bevanbrittan.com> wrote:

Dear Cllr Leal-Bennett,

Thank you. In the circumstances I feel that it has reached the point where I should advise those instructing me that, regrettably, I think that I have given you ample opportunity to be interviewed but that despite strenuous efforts on my part it has proved impossible to set a date to do so, and given the history of our correspondence I frankly think that it is unlikely that one is going to come forward in the foreseeable future.

Accordingly I propose to draft my report without the benefit of being able to interview you. I will of course take account of any representations that you make about this, but I do not feel that the matter can be allowed to drag on.

Kind regards

Olwen

Olwen Dutton | Partner
for Bevan Brittan LLP- The public services law firm

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Team Assistant: Jo Denton
direct: 0870 194 5042 | email: jo.denton@bevanbrittan.com

From: David Leal-Bennett [mailto:████████████████████]

Sent: 20 May 2015 09:17

To: Olwen Dutton

Subject: Re: confidential

I am still in London and have only a few minutes ago emailed a response to my lawyer saying I will call her tomorrow with a view to meeting up, as such we will not be able to make Friday.

David Leal-Bennett
████████████████████

Sent from my iPhone

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On 20 May 2015, at 09:08, Olwen Dutton <Olwen.Dutton@bevanbrittan.com> wrote:

Dear Cllr Leal-Bennett,

Could you please let me know as soon as possible if we will be able to meet for interview this coming Friday, 22nd May.

Kind regards

Olwen

Olwen Dutton | Partner
for Bevan Brittan LLP- The public services law firm

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