

Statement

- MRS JANET MORRISSON

Statement for the Disciplinary Panel concerning Cllr David Leal-Bennett - NHDC



29th December 2015

Dear Sir

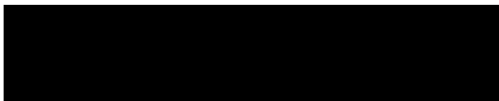
1. I am Janet Morrison. I qualified as a solicitor over 25 years ago; having worked in industry for most of my career for NASDAQ and FTSE 100 companies, I now work as an independent commercial consultant.
2. I was born in Hitchin and returned to the town over 20 years ago to give my children the market town upbringing I had been privileged to enjoy.
3. Early 2011, I was approached by Cllr Leal-Bennett and Morag Morgan, both of whom I have known for over ten years, to act in voluntary un-paid advisory role to the management team of Hitchin Town Hall Limited (HTH) - the charitable entity charged with the objective of making Hitchin Town Hall a viable operation run for the benefit of the local community. With my children approaching adulthood, I thought it a great opportunity to give whatever spare time I had to back into local community projects. As then a commercial director of a NASDAQ listed company, I had over 25 years' experience of working in the private sector, on multi-million pound projects, from inception to successful completion. My role for HTH was not to provide legal advice (HTH had its own legal representation) but, using my extensive local network of contacts, to find volunteer members with specific fields of expertise to supplement and expand the then current skill sets of the existing management team; this included marketing and PR, HR and fund-raising - all vital roles required during the build project and post go-live.
4. Between 2011 and 2014 I attended many of HTH executive team meetings; during this period, HTH completed its extensive negotiations with the NHDC and Future Builders England Ltd ("FBE"), which was one of the financial funds within the umbrella of The Social Investment Business ("SIB"). SIB is a governmental organisation that exists to raise and connect capital to achieve the maximum possible social impact in the UK. It was created with the objective to lend funds to community run projects; "lend" being the operative word - the loans had to be repaid. SIB agreed provide a facility to HTH of £850,000 of which £510,000 was by way of loan that would enable HTH to purchase 14 Brand Street for £300,000 and contribute £550,000 towards the renovation of the Town Hall. In fact HTH also negotiated the purchase of 15 Brand Street by way of a long term loan from a benefactor and donation thus opening up the front of the building for a much better entrance to the Museum side of the Project. After the building had been completed and operational control had been transferred to HTH, it was to be run for the benefit of the residents of Hitchin and surrounding areas. It was absolutely vital that the actual Town Hall meet certain build specifications and requirements to enable HTH to achieve its revenue targets and business plan objectives to repay the £510,000 of debt and interest at 5% pa. If the Town Hall could not be operated in accordance with HTH's business plan, which had been approved by SIB and was the basis on which HTH had been successful in securing the loan, then HTH would be in default of the repayment obligations. By way of illustration, the business plan anticipated that the hall and rooms would be hired out for specific events; if the physical space as presented could not be used for such events, that revenue stream would be lost and severely impact HTH's ability to service the debt and meet the day to day operational costs. Whilst HTH is charitable entity, like any charity it still needed to be run as a commercial organisation to meet its operational costs.

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5. To achieve the commercial requirements referenced above and to run a fund-raising campaign prior to opening, it was vital that the NHDC and HTH cooperate fully in the plans and specifications for the build and renovation project (the "Project"). During 2012 and 2013, it became clear to the members of HTH that NHDC was not prepared to cooperate, and was determined to run the Project without allowing proper input from HTH. Certain decisions were made by NHDC without consultation that would severely impact HTH's ability to meet its business plan objectives and to commence with fund-raising activities. Relations between the members of the two entities deteriorated to the extent that it was no longer possible for HTH to continue with its involvement with the Project.
6. Throughout 2011 to 2014, I witnessed the frustration of the entire HTH management team with the actions of NHDC and the behaviour of certain officers. All of us had given up many, many hours of our time willingly and unpaid for the benefit of the community. There was no personal pecuniary reward or incentive, the only reward was to provide Hitchin and the local community with a building of which they could be proud. It would be a facility that residents could use on a daily basis, whether attending an exercise class or popping by for coffee, or a venue they could use for the one-off important life events such as their wedding. It was to be the heart of the community. Through-out this period, I saw nothing but passion, enthusiasm and determination from Cllr Leal-Bennett to secure the very best facility for Hitchin and local area. There was no personal interest here; it was all about Hitchin and the community.
7. Cllr Leal-Bennett is an honourable man, and has used his spare time to participate actively in public life to promote and protect the interests of local people. No one gives so much of their time voluntarily without such passion for the local community. Whilst Cllr Leal-Bennett may come across as forthright in his views, it is absolutely nothing to what I have experienced and witnessed in the private sector over many years. However, I have come to realise that in the public sector, 'to the point' questions may be perceived differently, but they should not be grounds for complaint. In the commercial world, our decisions are challenged on a daily basis; it is part of the job. If we fail to meet performance targets, we risk dismissal or, at the very least, sanctions. Whilst Cllr Leal-Bennett and I may come from different Political backgrounds, over the years, I have been privileged to witness his absolute belief in fairness, integrity and doing what is right, and to appreciate his stance that public officials should serve those they are meant to represent, not their own personal agendas.
8. I turn now to comment on "legal opinions": because one lawyer says the legal position is XYZ, this does not mean that the law is XYZ; it is purely that lawyer's legal interpretation of the particular set of circumstances. Any such statements are just reasoned opinions not fact and should not be used as final judgment relating to the particular scenario; they do not carry legal weight. Because the NHDC appointed lawyers say the law is XYZ does not mean the law is XYZ; it is just an opinion that is open to challenge.
9. Referring to NHDC's decision to bring these proceedings against Cllr Leal-Bennett, I am utterly dismayed (as are many to whom I have spoken) by the NHDC's decision to spend its residents' money on this claim. It is my opinion that NHDC has not instigated this proceedings for my benefit as a resident of Hitchin, but purely to sanction someone who had the temerity to stand up to NHDC on behalf of the residents. It is also my opinion, that this is not democracy working, but certain people and unelected officers using tax-payers funds to bring an action that no one but them really wants. Any disagreement could have been resolved amicably and without the extensive legal costs that they have incurred to date and will continue to spend on these proceedings.

I confirm that this statement is true to the best of my knowledge and belief.

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JANET MORRISON