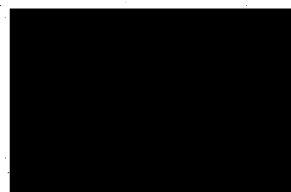


# Statement

- COUNCILLOR JAMES MCNALLY



1. I have been a Councillor and member of the NHDC Conservative Group since my election in May 2014. I have known David Leal-Bennett since that time, as a fellow Councillor.
2. When I first started going to Group and Council Meetings, David struck me as an intelligent person, with much to give in his role; he is experienced in financial matters and has particular expertise in project finance.
3. I am aware that David does not suffer fools gladly, but he has always struck me as polite and supportive, although when confronted with situations that he believes are unfair, or not right, he does get frustrated and can let that frustration show.
4. I have never seen him be rude or offensive, but have seen him speak robustly within the confines of debate in the Council Chamber, both in Group and Council meetings.
5. I am not a member of the Overview & Scrutiny Committee, so was not present at their meeting in December 2014; neither was I present at the Council Meeting on 12 February 2015, when David was excluded from the meeting by Councillor Cowley, acting as Chair.
6. I was aware that David had been critical of the way that the Hitchin Town Hall project was being run and felt that, as a Hitchin Councillor, with expertise in that area, he should be allowed to take part in the debates relating to that issue.
7. I was also aware that David had been advised by the Council Monitoring Officer, Anthony Roche, that he had a disclosable pecuniary interest, as he had been a director of Hitchin Town Hall Ltd, even though he had resigned from that position and had never received any interest, pecuniary or otherwise, from that directorship.
8. My view, at the time, was that David did not have a disclosable pecuniary interest, but may have had a declarable interest and when I heard that he had been told to leave the Council Meeting in February, as a result of Anthony's advice to the Chair, I considered that decision to be wrong.
9. The frustration that David felt and expressed was understandable. I still believe that David was unfairly excluded from taking part in any debate on Hitchin Town Hall.
10. My reaction to the news that the Council CEO had instructed legal counsel to prepare a discipline case against David for breach of the Code of Conduct was one of disbelief; I have also been told that many hours of officers' time has been expended in preparing this case.
11. I am not aware of any efforts made by either the Leader of the Council, Lynda Needham, or the CEO, David Scholes, to achieve any resolution to this situation, informally, or otherwise, or initiate any form of mediation and feel that this demonstrates a lack of leadership on both Lynda and David Scholes' part.
12. To spend more than £60,000 on legal fees, with tens of thousands more spent on preparing a case by Council officers seems to me to be using an oversized hammer to crack a small nut and a waste of public resources.

13. As far as making a complaint to the police and insisting that they conduct a criminal investigation against David is concerned; this simply compounds the frivolous waste of public money on something that should have been properly resolved informally.
14. In short, David Leal-Bennett strikes me as a committed local councillor, who is trying to do the best for his constituents and feels he is being thwarted at every turn; he expresses his natural frustration, but I have never seen evidence of offensive, aggressive, or abusive behaviour, although David has been very assertive in putting his views forward.

James McNally

2nd January 2016

