

## STANDARDS COMMITTEE

<b>Date of Meeting</b>	Monday, 4 <sup>th</sup> December 2017
<b>Report Subject</b>	Case Tribunal Decision - Former Councillor Halford
<b>Report Author</b>	Chief Officer Governance

### EXECUTIVE SUMMARY

Councillor Alison Halford formerly represented the Ewloe ward. In April 2016 there was a large unlawful encampment in Ewloe on the former Alyn and Deeside Council offices. The building is owned by the Council but at that time was leased to another company, and it was thus that company's responsibility to evict the encampment.

Cllr Halford corresponded with a number of officers regarding the encampment. In 2 emails she was insulting to a relatively junior officer. She subsequently repeated the insult in a tweet when she was reported to the Public Services Ombudsman for Wales.

A case tribunal found that she had breached the code of conduct by failing to show the officer respect and by bullying him. She was disqualified for 14 months even though she retired at the elections in May 2017.

### RECOMMENDATIONS

1	That the committee considers the judgement of the case tribunal and shares with other councillors any messages or lessons arising from the decision that it considers appropriate.
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## REPORT DETAILS

<b>1.00</b>	<b>Explaining the case tribunal decision</b>
1.01	<p>The County Council owns the former offices of Alyn and Deeside Council in Ewloe for which Councillor Halford was the ward member until she retired in May 2017. Until recently these were leased to a private company.</p>
	<p>In April 2016 a large unlawful encampment took place at the premises. Although the private company was responsible for evicting the encampment, Cllr Halford sent a number of emails to officers about the issue. Amongst others she emailed an officer in planning enforcement even though the encampment was not a planning issue.</p>
	<p>Cllr Halford was unhappy with the officer's actions and wrote an email to his chief officer as set out below. Other officers and councillors were copied into the email</p> <p>"Andy, my resident has raised a genuine concern about Jones &amp; would like an answer. Who us [sic] protecting him?" He's arrogant, lazy, mentally challenged &amp; has been useless for years. Why do you not call him to account. He is not worthy of his salary. Alison."</p>
	<p>Subsequently Cllr Halford forwarded an e-mail to the officer and copied it to a councillor and the Officer's Head of Service at 4.32pm on 5 May, 2016. It stated</p> <p>"..., I'm sure you [sic] aware I don't rate you at all &amp; I have made this clear to your senior officers. What about surprising this member of the public who does contribute to your salary &amp; actually get back to him. Of course, this may be something of a record for you but you must be accountable to someone just for once. Alison Halford."</p>
	<p>The officer subsequently complained to the Public Services Ombudsman for Wales who investigated and in turn referred the matter to the Adjudication Panel for Wales (APW). The APW convened a case tribunal to hear the complaint and on 6 October 2017 found that Cllr Halford had committed breached of the code of conduct by failing to show the officer respect and by bullying him. Its decision is at Appendix 1.</p>
	<p>The case tribunal commented that Cllr Halford had made</p> <p>"...personal comments which were highly offensive, extremely insulting, malicious and unwarranted. The Case Tribunal found the use of the words "mentally challenged" particularly shocking. The Officer was singled out unfairly, particularly as there was no indication that the Respondent had any previous complaints or concerns about his competence or responsiveness to members of the public. The Respondent had clearly been aware or should have appreciated by the 5th May, 2016 that the Officer was not responsible for dealing with temporary traveller encampments ... This therefore constituted bullying behaviour and behaviour which fell well below the standard of behaviour expected of a</p>

	Member, let alone an experienced politician.”
	<p>The Case Tribunal disqualified Cllr Halford for 14 months saying</p> <p>“The Case Tribunal had found that these were blatant and deliberate or reckless breaches of the Code, which did not stop at one e-mail but which continued after the Respondent became, or should have become aware, that the Officer did not have responsibility for dealing with the traveller encampment in question. This was further exacerbated by a “twitter” message posted in March 2017 which showed a complete lack of insight or remorse as to her behaviour and as to the further impact it might have on the Officer.</p> <p>The comments about the Officer would impact not only on the rights and interests of the employee of the Council but also upon the public interest in good administration, recognising the fact that officers are entitled to conduct their duties with dignity and without the risk of gratuitous attacks upon their reputation.</p> <p>In all the circumstances, the Case Tribunal considered that disqualification was an entirely justified and proportionate sanction. The Case Tribunal considered that it was a particularly serious example of bullying and that the disqualification had to be sufficiently long to enable the Respondent to properly reflect upon her actions before considering re-entering local politics. “</p>
	<p>In offering training on the code of conduct the monitoring officer stresses that councillors are able to challenge officers. Councillors are specifically advised not to use personal insults and to focus on the issues instead. Where councillors have concerns about an officer’s performance they are advised to use the appropriate channel, i.e. raising the matter privately with the officer’s line manager, rather than voicing such concerns in public meeting or on email copied to others.</p>

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	There are no resource implications for the council arising out of the decision.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	The case tribunal is required to notify this committee of its decision and its notice is attached at Appendix 2. It has also published notice of its decision in the local press as required and the judgement is on the APW’s website.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	None arising from this decision.

<b>5.00</b>	<b>APPENDICES</b>
5.01	Appendix 1 – decision of case tribunal Appendix 2 – notification of case tribunal's decision

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	None.  <b>Contact Officer:</b> Gareth Owens, Chief Officer Governance <b>Telephone:</b> 01352 702344 <b>E-mail:</b> <a href="mailto:Gareth.legal@flintshire.gov.uk">Gareth.legal@flintshire.gov.uk</a>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	<b>Adjudication Panel for Wales</b> – the umbrella body appointed to hear allegations of breaches of the code of conduct <b>Case Tribunal</b> – the panel of 3 members drawn from the APW who hear a specific case