

## **MONITORING OFFICER'S VIEWS ON THE RELEVANCE OF ISSUES INCLUDED WITHIN COUNCILLOR HAYES' APPEAL**

**(Note: The Monitoring Officer's comments are shown in blue text)**

I am disappointed that my request on the 6<sup>th</sup> March for a transcript to be made available was refused, even though a recording is available, I have already stated that I don't recognise these minutes or could be described as being sanitised to the ordinary person in the street would recognise. (this view has been reached by carrying out a local survey )

**In the view of the Monitoring Officer, the issue of whether a transcript of the hearing was produced is not relevant to the appeal**

**For information, it was explained to Councillor Hayes that it would take several hours of officer time to produce a transcript of the hearing, and that this was not felt to be justifiable given that the audio recording is publicly available.**

Clearly a number of assumptions are being applied to evidence which has created a totally direct "spin" on the context of what I said as per the transcript and what element has been plucked out, rather than consider the wider issues of an administration as not being appropriately managed in the form of ensuring our employees operate under up to date T&Cs. I personally introduced a large number of new processes and systems into Charnwood as they were both new ideas and systems that were not meeting legislation. The failure of management to develop system interface, meant that my company paid for the external development to ensure contract instructions could be carried out as laid down within the contract documentations. The use of Restricted Trade agreements should have already been in place, departments have already lost income for not having these in place.

**In the view of the Monitoring Officer, Councillor Hayes' actions during his time as an officer of the Council four years and more ago are not relevant to the appeal**

**For information, Councillor Hayes indicated during the investigation into the complaints that he personally paid for the IT interface between the Council and its refuse contractor, and in his appeal submission he claims that it was his company which paid. No current officers in the relevant service are aware of either situation being the case.**

**Within the contract a specific responsibility was placed on the contractor, rather than the Council, to install suitable IT equipment and an interface between themselves and the Council.**

**Councillor Hayes was an officer of the Council at the time, with direct responsibility for assisting in managing the contract in question and ensuring that the contract terms and conditions were complied with. Therefore, for him or his company to have been involved in funding an IT interface that was clearly designated as being the contractor's responsibility may have represented a conflict of interest.**

A decisions based the on balance of probability is open to interpretation, for example the lack of Monitoring of the CE over many years has a contributing factor, using a different interpretation would mean that Charnwood's IIP accreditations would not be valid as the CE has not had a performance review for some years. Ideas and suggestions from the wider outside world, can create a lack of knowledge within a local and inwardly focused point of view and perception.

**In the view of the Monitoring Officer. the Council's IIP (Investors in People) accreditation and the Chief Executive's performance reviews are not relevant to the appeal**

**For information, the usual burden of proof for non-criminal matters is the balance of probability.**

**Also for information, Councillor Hayes asked a question on notice about the Chief Executive's performance reviews at the January 2019 Council meeting, and the answer given by the Leader was as follows:**

***'The Chief Executive's most recent personal review was held on 1st November 2018, and was undertaken by a panel established by the Personnel Committee (i.e. Councillors Barkley, Draycott, Morgan and Snartt).***

***There was no specific panel review in 2017 due to the resignation of the previous Leader, Councillor Slater, and records for previous years are no longer available.***

***However, as well as the formal annual reviews undertaken by the Personnel Committee panel, the Chief Executive's performance is subject to ongoing review and discussion as part of the regular meetings he has with the Leader and the Deputy Leader'.***

There is also an issue when comments are made from Management experience with a sharp regional dialect being miss understood. As no accusations of wrong doing has been said or suggested.

If the words "differed on the intention and meaning of the statements" were applied, then calls for the CE to carry out a review and investigation to the management of the Decent Homes contract, Management using the incorrect property data, incorrect posting of allowances on the website and HMRC ! Then we could just draw a line under events and look the other way or would that be a perception ?

**In the view of the Monitoring Office, matters relating to the Decent Homes contract are not relevant to the appeal**

**For information, a scrutiny 'task and finish' panel was established to specifically review and investigate the Decent Homes contract, and all the recommendations made by that panel have been implemented.**

**In the view of the Monitoring Officer, matters relating to Members Allowances are not relevant to the appeal**

**For information, Councillor Hayes failed to follow the required renunciation process for £30 of his allowances some years ago, which resulted in the reported figures being incorrect by that amount.**

**After Councillor Hayes had continued to pursue the matter with officers for over a year, including threatening to take legal action against the Council, in April 2018 he was refunded the £30 and advised of the correct process to follow if he still wished to renounce the amount in question, which to date he has not done.**

**For clarity, the current materiality threshold (i.e. the level at which corrections to the statement of accounts would be required) set by the Council's external auditors relating to members allowances is £89,000.**

I acknowledge and confirm that this appeal has no bearing on my current situation of not being allowed to stand for re-election as a Conservative Candidate for Loughborough Shelthorpe Ward in the May Elections.

**As Councillor Hayes states, this matter is not relevant to the appeal.**