

**PANEL DYFARNU CYMRU
ADJUDICATION PANEL FOR WALES**

COUNCILLOR PATRICK HEESOM, FLINTSHIRE COUNTY COUNCIL

BRIEF SUMMARY OF FINDINGS OF FACT

25 June 2013

We have considered all issues relevant to findings of fact. A brief summary of our findings are as follows:

1. Scrutiny Meeting, 14 February 2007 – we find that the Respondent described the management of the Adult Social Care Directorate as a “shambles” and “shambolic”. At the conclusion of the meeting, the Respondent, whilst looking in a menacing fashion at Susan Lewis and Maureen Mullaney, stated that a number of Managers in the Authority had been dispensed with and there were more to go. The intention and effect of this statement was one of a threat to either or both of the Officers. (*ref: Chapter 2, Findings of Fact*)
2. In terms of the mutual exchange, we are satisfied that the Respondent on 9 August 2007 wrote letters to Mr and Mrs Dodd and to Ms Mills, authorising them to proceed with an exchange of their properties when he knew that such action was in contravention of the refusal of Flintshire County Council to grant their application for a mutual exchange. He attempted to involve himself, both before and after the writing of the letters, in the decision making process and made misleading statements. (*ref: Chapter 3, Findings of Fact*)

3. We find in terms of the Sheltered Housing Meeting on 4 July 2008, that the Respondent was confrontational and aggressive. He was rude and aggressive to Dawn Evans, a relatively junior Officer. He questioned Dawn Evans in an aggressive manner and accused her of trying to downgrade residential wardens. He was critical of how she managed accommodation issues in his constituency. Dawn Evans, who found his conduct confrontational and intimidating, was upset by his conduct. (*ref: Chapter 4, Findings of Fact*)
4. In terms of Visioning Day, we find the preparations had been fully scoped and discussed with the Respondent. His actions in circulating the letter to Councillors before the meeting were intended to undermine Susan Lewis, the Director. Comments in his note that Visioning Day was arranged without authority of Elected Members was unwarranted and without foundation and intended to undermine Officers. Whilst we believe comments were made during the meeting by the Respondent, and there is some evidence that those comments caused upset to Susan Lewis, we do not find on the balance of probability that this was a sustained verbal attack. However, he referred to the Director as “*that Officer*” and intimated “*that Officer has no business to be bringing these things to you here today.*” His tone was dismissive and confrontational. We are satisfied that from March 2007 to the date of the complaint being submitted to the Ombudsman, the Respondent engaged in a course of conduct against Susan Lewis which amounted to harassment. (*ref: Chapter 5, Findings of Fact*)
5. We find on 14 November 2008 that the Respondent stated to another Member in the Members’ Executive Room “*Sue Lewis is shit at her job.*” This was a comment made by the Respondent on the same day that he forwarded a letter purporting to be an apology in respect of his conduct at Visioning Day. The Respondent had also been critical of Susan Lewis in comments made to Maureen Harkin, a Senior Officer who worked under Susan Lewis in her

Direktorate. He had indicated to Maureen Harkin that Susan Lewis “knew nothing about Housing” and “her days are numbered.” The words uttered by the Respondent were inappropriate and we find that the comment “her days are numbered” was intended to be a threat that the Respondent was going to seek to oust Susan Lewis from her post. The comments were made with the intention of undermining the position of Susan Lewis. (ref: Chapter 6, *Findings of Fact*)

6. We find in terms of the meeting of 18 December 2008:
 - a. The Respondent had sought to interfere in the housing allocation process by seeking that Officers operate outside the allocations policy.
 - b. That he sought to bring undue pressure as an Executive Member on Housing Officers to operate outside the allocations policy. His conduct in seeking to persuade officers to allocate properties in his ward to specific individuals outside the Council’s agreed policy breached the clear guidance given to the Respondent in a letter dated 14 December 2006 from the then Interim Head of Housing. The letter indicated such action could breach the “law and current good practice....”
 - c. He stated in particular to Maureen Harkin Head of Housing “*I don’t want to hear that, I want you to listen to me as the Executive Member*”. This was on the basis of the policy he viewed as not working. The policy, however, was the policy that had to be operated by the Officers.
 - d. At the meeting, he stated words of the nature of the following: “*I am not threatening you as I don’t need to as I know you will follow what I am saying as you won’t like the repercussions if you don’t and you won’t believe the man I can become if you put*

me in this position." We find that this is a direct threat to Maureen Harkin and that she perceived it as a threat. She felt intimidated and that the Respondent was inappropriately involving himself in operational activity which was outside the remit, both of his roles as an Executive Member and as a Ward Councillor.

- e. At the conclusion of the meeting, he stated "*I am not going to fall out with you about this as you are a bright girl and I know you are listening to me*". This, again, was put in the nature of a threat. We find that the words were also patronising. (ref: *Chapter 7, Findings of Fact*)
7. In summary, our findings of fact based on assessment of the evidence in terms of the Scrutiny Meeting on 7 January 2009, is that whilst the Respondent was critical of the report presented and the way it was prepared, and that he may have expressed his opinion in a loud and confrontational manner, we do not find that there is evidence of him showing lack of respect to others at that meeting or of him undermining Officers. The Respondent was loud and confrontational but that confrontation was with other elected Members. (ref: *Chapter 8, Findings of Fact*)
8. In terms of the Head of Planning appointment process, we find that the Respondent did not act with the objectivity required. At the meeting on 29 January 2009, he questioned Sharon Carney as to her planning qualification and such comments were made with the intention of undermining the Officer and her role in the process. At the meeting on 6 February 2009 he adopted an aggressive and hostile attitude to Sharon Carney and her presentation of Behavioural Event Interview feedback. His comment on 6 February 2009 aimed at the Director of Environmental Services "*if he dares*" was intended to ensure that the Officer did not speak and was a threat. The complaint as to Officers'

conduct as outlined in a letter to Carl Longland was unwarranted and misleading. (*ref: Chapter 9, Findings of Fact*)

9. In terms of the Head of Housing process, we find that the Respondent's conduct on 12 February 2009 included a verbal attack, both on Natalie Priddin and Susan Lewis and that he was seeking to undermine the role of the Officers at that meeting. We do not find that there was any such verbal attack on 19 February 2009. (*ref: Chapter 10, Findings of Fact*)
10. At the Homelessness Prevention interview on 25 February 2009, the Respondent made inappropriate comments and sought to wrongly interfere in the role of the Homelessness Prevention Officer. He acted in a manner which intimidated and undermined the role of Caroline Littlewood and amounted to an attempt to bully the Officer. (*ref: Chapter 11, Findings of Fact*)

We have considered the submissions on behalf of the Respondent in terms of a stay or strike out of proceedings on the grounds of abuse of process. We find there is no basis to stay or strike out the proceedings for the reasons provided in our full decision.

Note:

This summary is only intended to assist the Respondent in understanding the main findings as set out in our full decision. It should be read alongside all findings in the full decision.