

CASE C

MARNHAM DISTRICT COUNCIL – COUNCILLOR DAVIES

Summary

The complainant is the leader of the council. It is alleged:

- Councillor Davies sent a number of disparaging emails to the council's IT staff, criticising their work and mocking their capabilities and copied them to third parties.
- Councillor Davies sent unfair and derogatory emails about the chief executive, the council's solicitor and the complainant, copying them in to third parties, as well as inappropriate emails to other councillors.
- Councillor Davies became involved in support of a local IT company in a dispute with the council, and was confrontational when officers reminded him about possible conflicts of interest
- Councillor Davies was hectoring and overbearing towards technical officers in the presence of the chief executive and two other members at a meeting held on 23 April 2005.

The Chief Executive asked the junior officers to leave after 20 minutes on account of Councillor Davies's behaviour, and because they were upset at the untimely death of a close colleague the previous Saturday. It is reported that when Councillor Davies was told of this, he retorted, "I suppose you're going to blame him!" It is alleged that Councillor Davies has been warned about his conduct, including formal warnings, but that it has continued.



Marnham District Council

RU

17 MAY 2005

RECEIVED

Home Tel No: 342528

Home Fax No: 344097

Email:

From the Office of the Leader: Councillor

RECEIVED
17 MAY 2005

13 May 2005

Dear Sir

Members' Code of Conduct: Councillor Davies - Complaint

I am the Leader of _____ District Council and the Leader of the Conservative Group on the Council. On 30th April 2002 the Council adopted the new Code of Conduct (copy attached).

In May 2003 Councillor _____ Davies was elected as a Conservative District councillor. He had been a councillor previously. From May 2003 to January 2005, he was also a member of the Council's Executive Board (its Cabinet) as the Portfolio Holder for the Economy and the Regions.

Unfortunately during 2003, 2004 and 2005 he has in my view on a number of occasions failed to treat Council staff and other councillors with respect in breach of Paragraph 2(b) of the Code, and brought his office and the Council into disrepute contrary to Paragraph 4 of the Code.

The misconduct relates to:

1. Sending emails to the Council's IT staff, criticising or mocking their work and capabilities, and copying these to third parties,
2. Derogatory emails about the Council's Chief Executive, myself and the District Solicitor, and copying these to third parties,
3. Derogatory emails to other Councillors,
4. Becoming closely involved in support of a local IT company against the Council in a dispute over copyright and other issues.

I enclose some examples of the emails which I feel are not acceptable behaviour for a councillor.

Both the Deputy Leader and I have asked Mr Davies on several occasions to desist from such conduct and although he has apologised on some occasions, the conduct has continued.

The Standards Board for England
First Floor, Cottons Centre
Cottons Lane
London SE1 2QG



INVESTOR IN PEOPLE

Telephone: 785166

Fax: 776766

DX: 30340

The Standards Board for England

13th May 2005

Page Two

The misconduct led to the unprecedented step of the Council's Strategic Management Team (the Chief Executive and two other Deputy Chief Executives) submitting a formal complaint to the Council's Conservative Group.

It is totally unacceptable for Council staff to be subjected to such behaviour.

Full copies of relevant emails, notes of meetings and file notes can be obtained from the Chief Executive, Mr J [redacted] at *Manham* District Council,

I request that the Standards Board for England investigates this complaint against Councillor Davies and I will be happy to co-operate with you if you require any further information. My home telephone number is [redacted] and email address is [redacted]

Yours faithfully

Leader of the Council

Encls:

If you wish to take your ideas forward I suggest you contact these. I need to get on with the Economic Development Strategy and 5 Year Improvement plan etc so do not have the time to get involved. If all are wanting to take forward they will involve me in the business side when appropriate.

LEGAL DISCLAIMER

This e-mail and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. However, any views or opinions presented are solely those of the author and do not necessarily represent those of District Council.

If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing or copying of this e-mail is strictly prohibited.

Communications on or through District Councils computer systems may be monitored or recorded to secure effective system operation and for other lawful purposes.

If you have received this e-mail in error please notify the District Council administrator.

E-mail or phone 785166

This email has been scanned for all viruses by the MessageLabs SkyScan service. For more information on a proactive anti-virus service working around the clock, around the globe, visit <http://www.messagelabs.com>

From: *CD* Davies
Sent: 17 July 2004 22:54
To: David
Cc:
Subject: Democracy

Dear David,
Well said. I haven't repeated my other emails to on the childishness of all this, but I think that we are now heading into a subject on the roots

of democracy.

I am quite good in that area! I am NOT going to be told what I can and cannot do as an elected Councillor/Portfolio Holder, etc. in being able to talk to my electorate, and the involvement of stakeholders and the public, in general, in the democratic processes.

I am certainly NOT going to be driven by the MDC IT Department, in what I can and cannot do: THEY are the servants not the masters, and merely the providers of a service of communications AND NO MORE THAN THAT.

I will stick with the Coastal Management aspects for now and leave K out of it with Business Support (which I can do through the Enterprise Centre anyway). On Coastal Management I have agreement, in principle, with DEFRA and the Environment Agency, at central Government level, way above the local authority level, to develop a process which enables stakeholder educated/informed discussion and input. Several other agencies and consultants fully agree with the process. You have now enabled me to proceed down that route, with or without MDC agreement or involvement. It would just be a pity that they were not involved, BUT they can't "sack" me, I have done nothing illegal or even against anything that I have signed or whatever. I use all my own IT equipment, they don't even contribute towards my communications, and the website is MINE!

I am going to go down the line we have commenced, and will consult all my Coastal Management contacts in [redacted] Forum and the LGA [redacted].

I have their support already, and can get additional support from senior consultants, all of whom come through MY contacts, NOT MDC's.

I begin to feel that I am being treated contemptuously by the people who insist that they are there to support me and that they carry out my/our wishes, and policy.

It is heading into the head on crash, which last time resulted in the termination of employment of a Chief Executive and six other Director level appointments.

It really doesn't worry me as I have no intention of ever being involved in the public arena ever again. This is how you lose Councillors from the system for ever, and yet the Officers complain about the standard of elected Members and their lack of experience in local government.

Keep me in the picture, please - I am speaking at the Regional Assembly on Wednesday this week, and might even raise the matter there.

I had added (the MP) to this email but will send a copy to him, after I have talked to him and have seen what develops out of this one.

Best wishes, *Mr Davies*

H.

From: Davies (external)
Sent: 13 October 2004 22:28
To: Mail Sweeper
Cc: (Chief Executive + senior officers)
Subject: RE: Sound Quarantined FW: Powerpoint Presentation for the web site

Terrific guys!!!

You surpass yourselves - it is a PowerPoint presentation on flu' jabs by the local Health Department, with the Chief Executive on the PCT, I just thought he might be interested.

I have never met such an organisation as yours!! The only sounds on that presentation are "whooshes" for the titles coming on - may your "whooshes" never cause a security problem, but you never know do you? After all being medical there could even be small boys willies somewhere around, but then you have never had a virus ever have you - I can only hope that the influenza virus on the PowerPoints is Avian flu!!

By the way H thanks for your FYI copy - but it won't work - if you want the gloves can come off and let us do battle!

-----Original Message-----

From: mailsweeper@
[mailto:mailsweeper@...]
Sent: 13 October 2004 22:15
To:
Subject: Sound Quarantined FW: Powerpoint Presentation for the web site

A Sound Attachment has been detected and Quarantined. The Mail Administrator has been notified.

Please contact mail-admin@
Tel. 534636

LEGAL DISCLAIMER

This e-mail and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. However, any views or opinions presented are solely those of the author and do not necessarily represent those of *Marnham* District Council.

If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing or copying of this e-mail is strictly prohibited.

Communications on or through *Marnham* District Councils computer systems may be monitored or recorded to secure effective system operation and for other lawful purposes.

If you have received this e-mail in error please notify the District Council administrator.

E-mail or phone 44 85166
Mail-Admin@ .gov.uk

This email has been scanned for all viruses by the MessageLabs SkyScan

Subj: **Region representation**
Date: 25/01/2005 21:04:18 GMT Standard Time
From: j Davies@
To: (wide distribution)

2

Ladies and gentleman,
Despite my politics I have actually enjoyed working with you, and I believe that we didn't do that bad a job!
However, I have now reached my limit of working with an arrogant Chief Executive, who wants to run the world, and, I am afraid, a Leader of Council who will not stand up to him, and have resigned from my Portfolio Holder post, which included the Region. I thought that even the Healthy Region Forum was beginning to get somewhere as well.
There we are, at 68 and a very old retired still have some pride in what I want to achieve.
Goodbye and good luck for the future.
Best wishes,

From: Davies (external)
Sent: 04 February 2005 00:10
To: WebTeam
Cc: David
Subject: Amendments

Hi, guys,

Come on, if you are going to remove me from the pages, particularly at the speed my front pages were amended, at least be consistent and professional.

I have a reputation to keep up even if you don't. It only took five months to get my email finally right, and over night to amend my resignation position - HI, Harvey!!

Please remove all references to Councillor Davies from everything that I was involved in, not just bits and pieces. If you can't do that - can I suggest that @ just a little more advanced and can explain if you are stuck - he's very nice guy - and not at all vindictive (like me!!).

But finally, guys, can I genuinely thank you for your input, without it I would never have known how you could twist the democratic process, and I am extremely grateful for your input into that aspect of MDC. Having just been at **Low Burken** Parish Council this evening, I now just appreciate just how highly you figure in their esteem.

Best wishes,

Copy to Chief Executive,
Davies

Hi, John, no point in putting my signature as you know it so well already.
Just try acknowledging this - we will then know here we stand!

LEGAL DISCLAIMER

Communications on or through District Councils computer systems may be monitored or recorded to secure effective system operation and for other lawful purposes.

04/02/2005

8 February 2005

PRIVATE AND CONFIDENTIAL

Dear *Councillor Davies*

I refer to your email dated 4 February 2005 which I have discussed with the other members of SMT and so whilst the comments below are mine the sentiments are shared by both S and J.

Firstly, with regard to your comments about having references to you removed from the web pages, it is entirely appropriate that the website be amended following your resignation as a portfolio holder. I am sure you would agree that keeping the website up to date is desirable from all perspectives. However, you have also asked that all references to you be removed from everything that you have previously been involved in. Clearly that is not appropriate as your involvement in the Council's activities in the past is, and of course should, appropriately remain as part of the official record.

However, I now wish to turn to other aspects of your two emails of 3 February and one of 4 February to H. These emails contain comments which are disparaging I believe both to the staff and in respect of the Council and other councillors. You will recall that I mentioned to you at some point last year when there were a succession of emails from you to R and other staff which contained criticism couched in terms which I believe damaging to mutual respect that is a requirement of the Code of Conduct covering councillor and officer relations. I appreciate that your reading of your email may lead you to believe that in the email to which I refer you felt that you were being humorous. I for one would always accept that humour is the essential lubricant of life that makes it tolerable. I believe on a number of occasions your comments to junior staff have gone beyond the bounds of humour and have potentially breached the Code of Conduct. The effect of this has been that during 2004 I had on a number of occasions to reassure my staff regarding the content of your emails and the manner in which you asserted your views therein. Your latest emails continue in that vein and are I believe potentially contrary to the Code and extremely damaging to the morale and general well being of the staff concerned.

8 February 2005

As a Chief Officer I am quite used to receiving criticism and I am both old enough and large enough to take that criticism. More junior staff are not and I do not believe it appropriate that they should be responding to comments regarding other councillors or indeed have their own role and skills criticised in the fashion that you have done in the past. The general standards for conduct of councillors; which all Members have agreed to observe on taking office, are clearly set out in the Members' Code of Conduct (contained within pages 202 to 209 of the Constitution) and set out in the protocol on Member/staff relations on pages 222 to 228.

I would therefore ask that in the future please refrain from personal or sarcastic commentary to my staff and if you have a concern or indeed a complaint then I would obviously be happy to respond to such matters. You do, of course, still have the same access to officers as any other elected Member and we will always be happy to deal with any issues that you may wish to raise. I do believe that we can only work effectively in the Council if all of us adhere to the concept of mutual respect in our day to day dealings as indeed both the Officer and Members Code requires of us.

Finally, this letter is intended as a confidential document and I would ask you therefore not to disclose this to any third party outside of the Council as I believe this would be counter productive and inappropriate given its nature.

Once you have reflected on this letter if you believe it would be helpful, I am of course at your disposal so that we may sit down and discuss the relevant issues.

Yours sincerely

F
Deputy Chief Executive

NB. Some of the emails to which I refer are enclosed for your convenience.

7 March 2005

Dear *Leader and Chief Whip*

It is with some regret that I write to you on behalf of the Management Team to complain about the behaviour of a member of your group. R , S and myself have many years of experience in working with a variety of members and have never felt the need to act in this way before. This step is therefore unprecedented which underlines our depth of feeling and concern.

The complaint concerns Councillor Davies. Unfortunately whilst we have expressed our unhappiness to you in the very recent past about his behaviour, there appears to be no moderation in his attitude to certain officers in the Council. As senior managers we are used to a certain degree of criticism and many may argue that we are expected to deal with this. What we are talking about at this time, however, is a succession of derogatory remarks about myself and other officers but more recently and more importantly a number of specific and unfounded allegations about M. SMT find this position totally unacceptable.

R has previously spoken and written to Councillor Davies about the undesirability of his making derogatory remarks in correspondence about staff and it was believed that this would cease.

However in a letter dated 23 February 2005 sent by Councillor Davies to R , the following comment was made:

"... I suspect that you are being advised against such a meeting. Not least by a person who would not survive for long in my business advisers (→) law! Perhaps you should give him some advice in turn to guard his tongue a little more, when he is discussing me with others!"

((→) law is a firm of solicitors with offices in : and and other locations)

/ ...

On the same day a letter was sent to myself, yourself, and to the Chairman of the Council in which the following comments were made:

"With reference to Paragraph 52, 'Limited' and the verbal innuendo circulating around the salaried staff in ~~Council HQ~~ and by some Members about my alleged behaviour, I should be grateful if such opinion could clarify such matters directly with me. The source of such comments could only be the SMT and the District Solicitor. I further understand that the District Solicitor has communicated similar comments about me to members of the electorate in my Ward."

These accusations are entirely untrue and undermine the mutual respect between Councillors and staff which is an essential requirement of the Council's Constitution, the Members' Code of Conduct, and is crucial to the efficient running of the Council. These accusations must now stop.

I have written to Councillor Davies firmly refuting the accusations against staff and requiring him to substantiate such claims.

Although I would not normally circulate correspondence to Members, R S and I feel it very important that you and members of your Group see extracts of relevant letters and emails which demonstrate that the staff have not sought to criticise Cllr Davies, but in fact have tried to assist him and unfortunately these efforts have been misconstrued as allegations of misconduct against him.

At this stage we would like you to share the contents of this letter with the other members of your group.

This matter is separate from the current dispute with A Ltd relating to copyright issues. As you know Mr P of A Ltd made a complaint about my conduct to you which you firmly rejected, and he has also made a similar complaint to the MP to which I believe he has replied. Mr P has been invited to discuss with R his concerns about the way I dealt with his proposal for a Community Server last December, before he refers the matter, if he wishes, to the Local Government Ombudsman.

The misunderstanding relating to officers' comments about Councillor Davies began in December 2004 when I had a telephone conversation with Mr P about his Community Server. I informed him that due to Councillor Davies' involvement in its development, the Council would have to be careful how the proposal was considered at the Council as some may perceive his involvement as indicating a bias or conflict of interest. Mr P unfortunately misinterpreted this as meaning that I had accused Councillor Davies of improper conduct.

As a consequence I immediately placed my comments in writing in a letter of 15th December 2004 to Mr P stating that;

"There is absolutely no suggestion that Councillor Davies has acted improperly within the Code of Conduct. The fact that a councillor may have an interest in a subject area does not constitute improper behaviour. Furthermore, any advice about interests is a matter between this Council, the councillor concerned and the professional officers. It is not open to third party discussions. During our conversation, I merely explained to yourself the way the Code works and that I would need to hold further discussions with Councillor Davies."

7 March 2005
Page Three

Mr P accepted this explanation in his email of 16th December to me where he stated,

"... I am very pleased to have your unequivocal assurance that there is no suggestion that Councillor Davies has acted improperly. My own experience is of a man of utmost integrity, astonishing energy, great commitment to the welfare of his constituents, and boundless enthusiasm!"

On 16th December 2004 Councillor Davies sent an email to me which included the following:

"I have just returned from a short break to find many things let loose. Firstly I handed a short brochure to the Chief Executive at the start of the last Executive Board, with the comment asking for advice on what is the best way to handle this idea, and how to approach the Council in the most efficient manner.

I now find myself accused of bending systems, imputations of dishonourable behaviour, etc. etc ...

Let me first say that I have NO financial business interests with A Ltd whatsoever."

"Could the District Solicitor kindly inform me of what interests I have failed to declare, or have taken any devious steps in the approaches I have made for advice on a practical proposal for the common good?

In view of this email, I sent the following email to Councillor Davies on 17th December:

" - In very simple terms you have not been accused at any time by any officer of improper practice, dishonourable behaviour, or any of the other comments referred to below. In short M and I have correspondence from D P which indicates a conflict under the Code. We have simply sought to protect your position as we are paid to do. The best thing is for us to have a chat together rather than fire emails across the District. In the meantime I shall be sending a further short response to DP.

I personally am very surprised by the interpretation being placed on the correspondence by DP which at no time accuses you of anything. J "

In addition I asked Mr K to explain his views to Councillor Davies and he sent the following email to Cllr Davies on 17th December 2004:

"I refer to your email of 16th December to (CE) and copies to others including myself. (CE) has already confirmed to you in his email this morning that you have not been accused at any time by any officer of improper practice, and I would also like to reassure you that I am not accusing you at all of failing to declare a conflict of interest or of having taken any devious steps in relation to Mr P's proposal."

M. then listed a number of statements by Mr P which showed that Councillor Davies had played a key role in the development of the Community Internet Server.

Mr K. then stated:

"In view of the above statements, (CE) asked for my initial advice on this association between yourself and the company and how other parties may perceive it.

The reason (CE) sought my advice was to ensure that as the proposal was being considered within the Council, steps were taken to avoid you being subject to complaints at a later date of undue influence or bias in the decision-making process. For example, if the matter was considered at the Executive Board and you presented it as Portfolio Holder, and the proposal was approved by the Board, then it is foreseeable that, for example, the District Auditor or a competitor of A Ltd might query your association with the company.

An initial examination of the proposal indicated that the Council might incur around £x,000 (over £15,000) over a period in supporting the proposals.

As you know, contract standing orders require that contracts over £15,000 normally need to be subjected to public competitive tendering and decisions made on price, value for money and quality, before a final decision is taken to spend this sort of money.

In view of the above, J and I were hoping to discuss the matter with you on your return from leave so that we can help clarify the best way that this matter could be considered within the Council and in order to prevent you from facing accusations at a later date of any conflict of interest.

Can I please repeat that I am not accusing you of any misconduct - I am only involved in order to try and help you avoid the circumstances being misinterpreted by others at a later date and to protect the Council's interests.

I hope the above explanation will assist and I am happy to discuss the matter with you at your convenience."

An informal and amicable discussion took place between Councillor Davies and M on 20th December and it was thought that the officers concerns were accepted by Councillor Davies.

Members present after the January Council meeting and during the discussion at the last Corporate Governance and Audit Committee will be aware that neither M nor I made any criticism of Councillor Davies and I specifically said in answer to a question from Councillor M that there was no suggestion at this point in time that any officer or member had misled A. Ltd although there was still a lot of correspondence to go through.

Throughout this process the officers have acted with integrity in trying to protect the position of Councillor Davies by giving professional advice, in trying to preserve the image of the Council, and in trying to maintain the good working relationship between ourselves and the Members. Unfortunately, we do not believe that Councillor Davies' actions have been consistent with these objectives.

M is, in the opinion of SMT, a first class solicitor with an impeccable reputation and a very high sense of integrity. He does not deserve to be treated in this way.

Personally I am also aware that Councillor Davies has made written comments about me to members of the Regional Assembly. This has been fed back to me by colleagues. I find it both distasteful and very sad that anyone from this Council would wish to damage our reputation in this way. I also believe that this has to stop.

I apologise for writing such a long letter on behalf of SMT but we firmly believe that enough is enough. Ideally your group will be able to resolve this matter internally and I would appreciate a written response to this letter. In the event that the group do not feel able to resolve the issue, I shall with great regret have to find alternative ways of protecting the position of officers who are merely doing their job.

Yours sincerely

Chief Executive

NOTES OF A MEETING WITH CLLR. DAVIES

Held on Friday, 22 April 2005

In attendance:-

Cllr. C
Cllr. J
Cllr. Davies
Mr. , Chief Executive (Chair)
Mr. , Deputy Chief Executive
Mr. , Manager, Electronic Government
Ms. , Operations Team Leader, E-Gov
Mr. Team Leader, E-Gov
Mr. Operations Assistant, E-Gov

Brief

This meeting was convened in order to discuss with Cllr. Davies the issues he had raised in his letters of 12th and 13th April, concerning allegations that his computer communications with the Council were being treated in a different way to those of other Councillors and that his communications were being read and monitored in an improper manner. (Correspondence relevant to this are Cllr. Davies' letters dated 12th and 13th April to the Chief Executive and the Chief Executive's response dated 20th April.)

The Meeting. (The meeting commenced at approximately 11.03am.)

The Chief Executive introduced the E-Gov staff to Cllr. Davies and R

touched upon their functions as did each individual member of staff when questioned by Cllr. Davies about their background their qualifications.

Subsequent to this the Chief Executive invited Cllr. Davies to raise his issues of concern. Cllr. Davies, at this point, started to question S: on the internet servers. His attitude and demeanour was aggressive and bullying

from the outset and continued in this manner throughout the 'discussion'. The technical detail of the relationship between the two webservers was pursued at some length. The case for load balancing was agreed, but Cllr. Davies was insistent and in a hectoring manner demanded to know whether it was on the actual ratio involved – was it 50/50, 60/40 or whatever? The reply was given that the directing of incoming traffic at any specific time varied according to the existing load. Simon did not rise to the belligerent manner in which he was being 'cross examined' and sought to provide a number of answers. These answers did not appear to satisfy Cllr. Davies, who at one point asked whether S understood how a processor worked and his manner of questioning S became increasingly aggressive and hostile.

He continued to cut across S's replies with comments of a disparaging tone for some considerable time (up to between 15-20 minutes) at which point, given the aggression and hostility being exhibited by Cllr. Davies, the Chief Executive intervened. He said the he was unhappy with the aggressive and belligerent manner in which Cllr. Davies was conducting himself and said that we were holding this meeting in a constructive way so as to address the issues Cllr. Davies had raised.

The Chief Executive explained that the problem with the server had been investigated by [redacted] and that the company had provided a statement (this was made available to Cllr. Davies) which described the problem and its resolution. The essence of this problem was that people trying to access the

Council's system would, from time to time, be switched from one server to the other. It had been found that the second server was malfunctioning and hence Cllr. Davies was unable to access the data he sought. Cllr. Davies' assertion, on the other hand, that he was being treated 'as a special case' was wholly inaccurate and the Chief Executive said he had demonstrated the difficulty faced with these servers by asking certain Councillors to test the system. When the server had been corrected a wider range of Councillors undertook the tests again which then showed the problem to have been rectified. When told that Cllr. C. S. had been one of those who tested the system, Cllr. Davies turned to him and asked him in a pressing manner what he had seen on the server when making these enquiries and indicated a level of contempt for Cllr. C. S.'s responses.

At this point Cllr. Davies was still making derogatory comments and R. intervened to explain that, in fact, Cllr. Davies was calling into question his own integrity with regard to the assurances Cllr. Davies had been given regarding the treatment of his communications. R. reiterated his background and experience and asserted unequivocally that Cllr. Davies had never been treated differently from any other Councillor and certainly in no way improperly.

Cllr. Davies continued to exhibit a very aggressive demeanour and the Chief Executive decided at this point to ask the E-Gov staff to leave to avoid further embarrassment and harassment of those staff. At that point Cllr. C. S.

also excused himself. Therefore, remaining in the room were the Chief Executive, Mr. B Cllr. Davies and Cllr.

Cllr. Davies continued in a similar vane and Mr. B sought to address the issue of the Council's website, producing documents to prove that the Council had the second highest rating available, which was contrary to the assertion by Cllr. Davies that the Council's rating was poor. Cllr. Davies refused to accept this evidence and insisted that the website of Socitim was different.

Further comment ensued and, at this point, Mr. B explained that he was very unhappy with the way Cllr. Davies had interrogated and cross questioned S, particularly given the fact that on Saturday, 16th April, the IT staff had suffered the tragic loss of M (a long-standing colleague of S and a member of his team) who had unexpectedly died. At this point Cllr. Davies said 'I suppose you are going to blame him' to which Mr. B replied that he found the comment 'grossly unworthy' and the Chief Executive exclaimed that he found it truly distasteful that a comment of that nature had been made. The Chief Executive, having decided by then that Cllr. Davies' conduct virtually throughout had been wholly unacceptable, culminating with the disgraceful comment about M'S death, asked Cllr. Davies to leave the office because there was no further point in the discussion.

The Chief Executive handed Cllr. Davies his briefcase and his papers and Cllr. Davies made an aside regarding his membership of the Group and strode from the office. (The time was approximately 11.38am)

Within a few minutes the Chief Executive asked the E-Gov staff who had originally been present to rejoin the meeting. They were brought back into the room from their offices on the ground floor and Cllr. J asked if he could remain in the room. The Chief Executive said to the E-Gov staff that he wished to apologise for the conduct to which they had just been subjected and that he was very sorry that they had been questioned with such hostility and aggression. Cllr. J added that he would like to apologise most sincerely for what had occurred regarding the conduct of Cllr. Davies and he added that he thought they all were doing a very fine job for the Council and that he regretted what had just arisen.

At this point the E-Gov staff left the room, leaving the Chief Executive, Mr. B and Cllr. Jones.

This note was written as a contemporaneous record of the meeting within approximately half an hour of the conclusion of the meeting.

04 May 2005

Dear Councillor Davies,

Following the unsatisfactory meeting in my office on Friday, 23rd April I have been reviewing the current position with both R and S. It is our view that your attitude towards the officers in the IT section continues to be totally unacceptable. It is clear that you have no respect for their skills, qualifications or professional dedication and it is not fair on the staff to be subjected to such behaviour. Under these circumstances SMT have instructed that no member of the IT staff is to deal directly with you for the time being. Your rights as a Councillor on IT issues can be fulfilled by your writing to R who will ensure that you receive a reply. The Leader of the Council has been appraised of this situation which will be reviewed in three months time.

K went to great lengths to satisfy your technical query and P insisted upon extensive testing. They believe that the problem is now resolved and we have had no complaints from any other Member.

In conclusion I would like to say that never before have I been obliged to write a letter of this nature to any Member. It is not in the interests of the Council or you to continue this disagreement. Hopefully a cooling off period of three months will put the whole thing into some perspective.

Yours sincerely,

Chief Executive

04 May 2005

Dear *Leader*

Councillor Taff Davies

On Friday, 23rd April I chaired a meeting in my office with the intention of resolving Councillor Davies' complaint about the way in which he perceived his email correspondence was being filtered. The hope was that we could reassure him about the integrity of our security which, in itself, is routine and certainly not intrusive.

In advance of the meeting we had engaged our consultants specifically to remedy a search fault on one of our servers, which had been identified by Councillor Davies. In order to be as helpful as possible R brought two technicians to the meeting, in addition to R and his operational manager, K

Having resolved the issue in advance (of which Councillor Davies was notified) and having used six Councillors and our consultant to re-test the system, we were confident that Councillor Davies would be satisfied with the outcome. Sadly, we were wrong.

From the outset of the meeting, also attended by Councillors C and J Councillor Davies demonstrated absolute contempt for the Council's IT service. His comments were aggressive, confrontational and speculative. Having taken the decision to involve junior officers in order to help to resolve the issue, I can now only regret that decision. Councillor Davies did nothing to help relationships between officers and councillors (which have always been good at this Council).

After twenty very unpleasant minutes I asked the staff to leave. R then challenged Councillor Davies about his attitude towards the junior members of staff. Rob asked

Councillor Davies if he was aware that those same officers had just tragically lost a young colleague who had died the previous Saturday. Councillor Davies, by his comments, made it clear that not only was he aware of the situation, but also that he had no regard for it. His comments were deeply distasteful and, in the circumstances, I had to insist that he left my office.

Councillor J. , to his credit, remained behind to apologise to the staff who were re-called to the office.

We have now reached a point whereby a working relationship between Councillor Davies and the IT section is impossible. The ability of our team, whom we regard very highly, is constantly questioned and their skills derided. Having discussed this very closely with Rob and Sam we now feel that we have little opportunity than to deny direct access to these staff by Councillor Davies. Our legal obligations to him as a Councillor will be fulfilled through SMT and all requests will need to be in writing.

I am sorry that it has come to this but, as a management team, we believe strongly in supporting the staff at this Council in whom we, and I believe most Members, have total confidence. Should attitudes change we are prepared to review our position in three months time.

Yours sincerely,

Chief Executive