



Haringey Council

**COMPLAINT BY KARLENE AKINDELE AGAINST COUNCILLOR HALEY
– LOCAL REFERENCE SC2/089**

LONDON BOROUGH OF HARINGEY – STANDARDS COMMITTEE –
DETERMINATION HEARING PANEL – WEDNESDAY 2 DECEMBER 2009

PANEL CHAIR – MR ROGER LOVEGROVE – INDEPENDENT MEMBER

MEMBERS OF HEARING PANEL – CLLRS SANTRY AND WILLIAMS AND
MS A. LOYD, INDEPENDENT MEMBER AND MS C. SYKES,
INDEPENDENT MEMBER

JOHN SUDDABY - MONITORING OFFICER AND HEAD OF LEGAL
SERVICES - LEGAL ADVISER TO THE PANEL

RAYMOND PRINCE - INVESTIGATING OFFICER

CLERK TO STANDARDS COMMITTEE – CLIFFORD HART

DATE OF HEARING – WEDNESDAY 2 DECEMBER 2009

TIME OF HEARING – COMMENCING AT 10.00AM

LOCATION OF HEARING – HARINGEY CIVIC CENTRE, HIGH ROAD,
WOOD GREEN, N22

**Notice of Finding of Standards Determination Hearing
relating to Cllr Brian Haley.**

On Wednesday 2 December 2009, the Standards Committee – Determination Hearing Panel found that Councillor Brian Haley had failed to comply with Paragraphs 3 (2).(c) (i), 3 (2) (b) and 3.(1) of the Council's Code of Conduct for Members which required him not to intimidate others, not to bully others and to treat others with respect.

The Panel heard that most of the key facts in this matter were not in dispute, these being as follows:

- i) Cllr Haley signed the Code of Conduct on 8 May 2006.

- ii) That the complainant had complained of Cllr Haley's conduct at a meeting she had attended in her capacity as an officer of the Council in March 2007.
- iii) This complaint was investigated and neither the complainant nor Councillor Haley were satisfied by the outcome.
- iv) In October 2007, Cllr Haley had instructed an external firm of Solicitors to advise him on the matter of the above complaint and the findings of the internal investigation. It was agreed that Cllr Haley instructed this external firm of Solicitors to write to the complainant.
- v) That no legal proceedings were commenced by Cllr Haley against the complainant or the Council.

There were a number of facts in dispute summarised as follows:

- i) Arising from the findings of the Investigating Officer that it was more probable than not Cllr Haley did instruct his Solicitors to write in such strident terms in order to raise doubts in the complainant's mind about pursuing her complaint. Cllr Haley said he did not intend the Solicitor's letter to raise such doubts in the complainant's mind and that the letter was not to dissuade her from pursuing her complaint.
- ii) Cllr Haley referred to advice from his Solicitor that the letter would not be considered bullying or intimidation "in law" because it was not a sustained attack on an individual over a period of time. The guidance from the Standards Board, is to the effect that a single episode or event, if sufficiently serious, may amount to bullying or intimidation.

The Panel found:

That Cllr Haley breached Paragraphs 3 (2).(c) (i), 3 (2) (b) and 3.(1) of Haringey Council's Code of Conduct for Members:

Firstly that the complainant was or was likely to be a complainant in relation to an allegation that Councillor Haley had failed to comply with the Code of Conduct, and that Councillor Haley knew the complainant was or was likely to be such a complainant.

The Panel found that the letter to the Complainant sent on Councillor Haley's instruction was intimidating and that on the balance of probabilities it was written with the intention of dissuading the complainant from pursuing her complaint.

The Panel therefore found that Councillor Haley had breached the Members' Code of Conduct in respect of paragraph 3.2.(c).(i) – intimidation.

The Panel also found that Councillor Haley breached paragraph 3.2.(b) of the code in that the letter sent on his instruction, as a senior Member of the Council, to an employee of the Council was intimidating in nature and therefore amounted to bullying, and in consequence, also amounted to a breach of paragraph 3.(1) – failure to treat others with respect.

SANCTION

The Panel therefore found that Councillor Haley had breached the Code of Conduct. The breaches found by the Panel were serious and would usually attract a significant period of suspension, particularly as they related to Councillor Haley's conduct as a Cabinet Member towards an officer of the Council.

However, the Panel did take into account the following factors that significantly mitigated the breaches of the Code that the Panel had found:

- Councillor Haley was acting on legal advice;
- Councillor Haley's letter was effectively withdrawn within a month of writing;
- Councillor Haley had been willing to apologise and undertake mediation;
- The original complaint against Councillor Haley was not upheld by the Standards Committee;
- Councillor Haley did apologise to the complainant.

The Panel accordingly did not feel that a period of suspension would be appropriate in this case and decided to censure Councillor Haley for his conduct.

DATE: 3 DECEMBER 2009

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