



CODE OF CONDUCT PANEL

10 DECEMBER 2024

SUPPLEMENTARY PAPERS

TO: ALL MEMBERS OF THE CODE OF CONDUCT PANEL

The following papers have been added to the agenda for the above meeting.

These were not available for publication with the rest of the agenda.

Kevin Gibbs
Executive Director: Delivery

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6. PANEL CONSIDERATION OF COMPLAINT	1 - 48

To include:

1. Presentation of complaint (Monitoring Officer/Investigating Officer)
2. Presentation of subject member's case
3. Summing up
4. Views/submission of the independent person
5. Deliberations of the Code of Conduct Panel
6. Formal announcement of decision

The range of possible sanctions are as follows:

- The Panel recommending that the Council issue a formal Censure towards the Councillor/Co-opted member e.g. through a Motion at a Council meeting
- The Panel publishing its decision by issuing a press release
- The Panel reporting findings to Council for inclusion on Council agenda
- The Panel recommending to the Councillor's group leader (or in the case of "ungrouped" members, recommend to Council or to Committees) that he/she be removed from any or all committees or sub-committees
- The Panel recommending to the Leader of the Council that the Councillor be removed from the Executive, or removed from particular portfolio responsibilities
- The Panel recommending that the Councillor be removed from

any or all outside appointments to which he/she has been appointed or nominated by the Leader of the Council

- The Panel Instructing the Monitoring Officer to arrange appropriate training
- The Panel requiring the Councillor/Co-opted Member to issue a written apology to the complainant in an open letter
- The Panel referring the matter to the party whip in order that the Political group may consider what action to take under its own procedures

To: **CODE OF CONDUCT PANEL**
13 November 2024

Code of Conduct Panel Hearing **Executive Director of Communities - Legal**

1 Purpose of Report

- 1.1 The Code of Conduct Panel has responsibility for the determination of allegations that a Member or Co-opted Member of the Borough Council has failed to comply with the Council's Code of Conduct for Councillors. The Code can be accessed by the attached link. A link to the Council's Arrangements ("the arrangements") for dealing with Code of Conduct Complaints can also be found at the following link:
<https://www.bracknell-forest.gov.uk/council-and-democracy/get-in-touch/complaints/councillor-complaints>

2 Recommendation(s)

- 2.1 The Hearing Panel is asked to consider and determine under the Arrangements a complaint made on 16 April 2024 by the Chief Executive against Cllr Hayes, alleging breaches by Cllr Hayes of the Members' Code of Conduct. A link to a copy of the complaint can be found enclosed.

- 2.2 The complaint alleges that Cllr Hayes had "*breached the code of conduct by failing to treat others with respect*"

- 2.3 The specific facts giving rise to the complaint are set out as follows;

Towards the end of March it was reported by Max Baker, recently retired Assistant Director-Planning , that he was witness to inappropriate behaviour in Time Square exhibited by Cllr Hayes He reported, "My recollection is that xx spotted her heading towards us and said to me something like 'look out Dot's coming'. Dot then came up to us and said "watch it or I'll kick your fucking head in" which may have been directed at me but could have been at . She then said that she knew how to lip read. After that she started talking about planning matters for a bit and then left."

It is believed that this behaviour has breached the code of conduct in multiple ways;

- (i) Not treating others with respect*
- (ii) Bullying or harassing a person*
- (iii) Bringing the Council into disrepute*

The subject of the behaviour is a junior officer who does not wish to raise a formal complaint. Given the seriousness of the incident, it is being progressed on behalf of staff in the organisation by the Head of Paid Service".

3 Reasons for Recommendation(s)

- 3.1 To deliver an outcome pursuant to the Council Code of Conduct and its arrangements for dealing with allegations of Code breaches.

4 Alternative Options Considered

- 4.1 None. The Investigator has found that Cllr Hayes has breached the Code of Conduct and efforts by the Monitoring Officer to achieve an informal resolution have not succeeded.

5 Supporting Information

5.1 As provided for in the Arrangements the complaint was initially considered upon receipt by the Monitoring Officer who was required to make one of three decisions:

- Take no action
- Seek to resolve the complaint informally
- Refer the Complaint for investigation

5.2 The complaint was referred for investigation. An external investigator, Mr Richard Lingard, was appointed to undertake this task. During the investigation process Mr Lingard interviewed the complainant, Cllr Hayes as well as two officers who were cited as witnesses to the incident.

5.3 Following completion of his investigation an investigation report was prepared by Mr Lingard. In accordance with the arrangements, both Cllr Hayes and the complainant were given the opportunity to comment on the draft report prior to it being finalised. A link to a copy of the final investigation report (dated 12 July 2024) can be found enclosed.

5.4 Mr Lingard found that there was a failure by Cllr Hayes to comply with the Members' Code of Conduct

5.5 The Monitoring Officer wrote to Cllr Hayes on 23 July offering a meeting with a view to achieving an informal resolution, notwithstanding the outcome of the investigation. Cllr xx responded by email on 24 July and 2 August. As the contents revealed a lack of contrition on the part of Cllr Hayes and moreover given their clear criticism of the complaint and investigation process, the Monitoring Officer responded by email on 5 August, withdrawing the offer of a meeting.

5.7 In the absence of an informal resolution the Monitoring Officer is referring the complaint to the Code of Conduct Panel. The Panel is required to determine whether Cllr Hayes has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of Cllr Hayes. Sanctions available to the Panel in the event it reaches a conclusion that Cllr Hayes failed to comply with the Code of Conduct, are set out in Paragraph 9.1 of the Arrangements. They are as follows;

- The Panel recommending that the Council issue a formal Censure towards the Councillor e.g. through a Motion at a Council meeting.
- The Panel publishing its decision by issuing a press release.
- The Panel reporting findings to Council for inclusion on Council agenda.
- The Panel recommending to the Councillor's group leader that he/she be removed from any or all committees or sub-committees.
- The Panel Instructing the Monitoring Officer to arrange appropriate training.
- The Panel requiring the Councillor to issue a written apology to the complainant in an open letter.
- The Panel referring the matter to the party whip in order that the Political group may consider what action to take under its own procedures.

The Code of Conduct Panel has no power to suspend or disqualify the member or to withdraw the member's allowance

Contact for further information

Sanjay Prashar - Borough Solicitor ;01344 355679

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**Report of an Investigation into a Complaint
by Susan Halliwell, Chief Executive, against
Cllr Dorothy Hayes of Bracknell Forest
Council**

Private & Confidential

Final Version 12 July 2024

**Richard Lingard LLB
Solicitor**

ICO Registration No: Z27409852

T: [REDACTED]
E: [REDACTED]

Richard Lingard – Curriculum Vitae

Educated at Magdalen College School Oxford and Southampton University, I qualified as a Solicitor in 1980, trained in private practice and spent four years in the commercial sector before going into Local Government.

At the time of my retirement in September 2011, when I became a non-practising Solicitor, I was the Head of Legal & Democratic Services and Monitoring Officer at Guildford Borough Council, for whom I worked for some 30 years.

Since 2011, I have conducted and reported on over 60 investigations covering allegations of misconduct against City, County, Borough, Parish and Town Councillors and Officers. I have also carried out a number of procedural and governance reviews and provide training on ethical standards and the responsible use of social media by councillors. My work has been carried out for local authorities in Berkshire, Buckinghamshire, Hampshire, Hertfordshire, Kent and Surrey.

I have also recently completed an eight-year term as an Independent Member of the Surrey Police Misconduct Panel.

EXECUTIVE SUMMARY

This is the final version of my report of an investigation that I have carried out into a complaint brought by Susan Halliwell, Chief Executive, against Cllr Dorothy Hayes of Bracknell Forest Council ('BFC' / 'the Council') in respect of her alleged breach of the Council's Code of Conduct for Members by virtue of her use of abusive language against two of the Council's Planning staff on Tuesday 12 March 2024.

I have concluded that Cllr Hayes has breached the BFC Code of Conduct and Member / Officer Protocol

1. INTRODUCTION

1.1 On 29 April 2024, Mr Sanjay Prashar, Monitoring Officer of the Council, instructed me to conduct an independent investigation into a complaint against Cllr Dorothy Hayes.

1.2 Mr. Prashar provided me with a copy of the complaint, the full text of which is reproduced at **Appendix 1** to this report, and contact details for the people concerned.

1.3 In a nutshell, the complaint originated with a junior colleague of Mr Max Baker, recently retired Assistant Director of Planning, who on the day in question, Tuesday 12 March 2024, was sitting at his desk in the BFC offices at Time Square alongside a more junior member of staff (whom I refer to hereafter as 'Officer A' when the latter said to him:

"Look out, Dot's coming". I am told that 'Dot' is the name by which Cllr Dorothy Hayes, a long-serving councillor, has for many years been known throughout the authority.

1.4 Cllr Hayes then approached the two officers and said *"I can lip read, you know. Watch it, or I'll kick your fucking head in"* or, alternatively: *"I can lip read, you know. Watch it or I'll kick you in the fucking face"*.

1.5 Following receipt of my instructions, I reviewed the documentation and contacted Ms Halliwell in order to clarify the reasoning behind her being named as the complainant rather than, as might have been expected, either of the two officers at whom the abusive language was apparently directed.

1.6 I sent emails to the two officers concerned and to Cllr Hayes to introduce myself as the independent investigator. I spoke to all three over the ensuing three weeks as detailed below.

1.7 In accordance with my usual practice and with their consent, I made recordings of my discussions with both officers and used them as the basis of notes which I sent to each of them for comment. Upon receipt of their confirmation that they were happy with my notes, I deleted the recordings.

2. MY INTERVIEW WITH OFFICER A

- 2.1 Officer A is an Administrative Assistant in the Planning Department at Bracknell Forest Council (BFC). She has been at BFC for about six years.
- 2.2 I asked her to explain the circumstances in which the exchange of words complained of took place.
- 2.3 She told me that in the afternoon of Tuesday 12 March 2024 she and Mr. Baker (MB) were sitting at their respective adjoining desks in the offices at Time Square, both facing the same way. MB was looking down at his mobile phone and did not see Cllr Hayes (DH) approaching. Officer A saw her coming across the office and said, by way of warning to MB, *"Dot's coming"*.
- 2.4 She said she thinks she may have said this twice. DH then walked around the bank of desks and approached the two officers from behind. As she approached, she said something along the lines of *"Watch out – I can lip read, you know"* and said something about the circumstances in which she had learned to do so.
- 2.5 As she stood in front of the two officers, she said (according to Officer A's recollection) *"I'll kick you in the fucking face"*. Officer A felt that this remark was probably directed at MB rather than her.
- 2.6 She told me that she had 'warned' MB of DH's approach because she did not want DH to catch him unawares. After this exchange, DH stayed and spoke to MB for a while. Officer A had never had a previous conversation with DH, although she had seen her around the office.
- 2.7 Officer A said that she would prefer not to be named in my report because she does not regard herself as the complainant. I agreed that I would respect her anonymity.

3. MR. MAX BAKER

- 3.1 I interviewed Mr Max Baker (MB) via Zoom on 24 May 2024. He retired as Assistant Director (Planning) at the Council shortly after the date on which the incident the subject of this investigation took place.
- 3.2 On the afternoon of Tuesday 12 March, he was sitting at his desk, next to Officer A when he heard her say *"Look out, Dot's coming"*.
- 3.3 This was a reference to Cllr Dorothy Hayes (DH), known throughout the authority as 'Dot'. MB believes that DH had seen Officer A say something and as she approached, DH said something along the lines of *"You know I can lip read. You'd better watch it, or I'll kick your fucking head in"*. She then began speaking to MB about a planning matter, the details of which MB cannot now recall.

- 3.4 At the time, MB was not sure whether DH had aimed the remark at him or at Officer A, because she did not appear to be looking specifically at either of them. It was apparent that Officer A was more concerned than MB about DH's conduct because she subsequently mentioned the incident to Executive Director (Place) Andrew Hunter.
- 3.5 MB said that he has known DH for many years and whilst she has always been '*a bit of a character*', her behaviour had in recent times become more erratic. She was, he said, something of a conspiracy theorist and would often express concern about, for example, a planning application in vague terms without necessarily articulating any argument that might justify refusal of an application.
- 3.6 When Mr Hunter subsequently told MB that Officer A had raised her concern, MB reflected and agreed that DH had been '*out of order*'. He considered that even if the remark had been directed at him rather than Officer A, it was still a totally unacceptable way to behave.
- 3.7 MB was doubtful whether DH had come into the office to talk to him about a specific planning matter. He said that she was in the habit of calling into the office to see who was there and raising whatever issue was on her mind at the time. He thinks she may have been looking for a case officer. Case officers generally only came into the office on Wednesdays for team meetings and this was, MB thinks, why she did not find one and 'rounded' on him.
- 3.8 Although MB cannot now remember what particular issue DH raised with him after her outburst, she may have made some comments about her dissatisfaction with the recent reduction in the number of members on the Planning Committee, from one member per ward (18) to just 12.
- 3.9 Although MB and Officer A did not spend any significant amount of time talking about the episode after it happened, Officer A mentioned it to Mr. Hunter in a subsequent meeting which took place about two weeks after the incident.
- 3.10 MB commented that DH had been for many years in the habit of walking uninvited into meetings and interrupting proceedings, and he considered this abrupt approach to be perhaps not unusual, but unacceptable nonetheless.

4.0 MS SUSAN HALLIWELL

- 4.1 I had a 'Teams' meeting with Susan Halliwell, BFC Chief Executive (SH) on 16 May. She explained that the appearance of Stuart McKellar's name on the complaint form (See Appendix 1) came about because on the day in question, she had been very busy and he had volunteered to complete the form on her behalf.
- 4.2 I told SH that Officer A who had been with Mr Baker when the conduct complained of occurred had told me that she had not wanted to lodge a complaint in her own name. I had said that so far as was possible, I would avoid naming her although it was highly likely that Cllr Hayes would know her identity.

- 4.3 SH said that despite the fact that Officer A might for entirely understandable reasons not be very keen on putting her name to making a complaint, she (SH) thought that DH's language as reported to her was '*quite appalling and thoroughly disrespectful*' towards the officer concerned. She does not want anyone coming to work believing that they are going to be spoken to by a councillor in that way. It was her decision to submit the complaint in her name.
- 4.4 Andrew Hunter, Executive Director (Place), Mr Baker's line manager, had reported the incident to SH. She was told that having used foul language at MB and Officer A, DH had carried on as if nothing had happened, talking about a planning application. MB was asked to write down what was said.
- 4.5 SH said that DH has exhibited this type of behaviour previously and feels that she may have found it difficult adjusting from being a senior portfolio holder to a backbench opposition member following the Tories' loss of control of the council. She said that no-one has so far made any attempt to address DH's unacceptable conduct. People thus either move on or try to avoid speaking to her.
- 4.6 SH was warned that DH would probably mount legal action if a complaint was lodged so she informed the whip and the Conservative leader that she was going to do so.
- 4.7 DH then began to approach a number of junior members of staff, trying to get them 'onside'. SH has asked DH not to go into the office or the depot except for formal meetings or to contact anyone other than senior officers. DH has ignored the latter instruction.
- 4.8 SH told me that she understands that Cllrs Robert Maclean and Gareth Barnard (Conservative Group Leader) share her concern about DH's mental health. She added that DH has shown no contrition in relation to the incident and is behaving as though nothing has happened. SH thinks that an apology and mediation would be the best way forward but doubts that this would be achievable.

5.0 CLLR DOROTHY HAYES

- 5.1 Cllr Hayes telephoned me shortly after receiving my introductory email of 1 May and I took the opportunity to explain the investigation process and confirmed that that I would be in touch with her again once I had spoken to the complainants.
- 5.2 However, my plans to meet and interview her were thwarted by a number of factors.
- 5.3 I had originally intended (and offered) to meet Cllr Hayes at her home address but unfortunately due to an injury which has prevented me from driving any distance, we had to look for an alternative.

5.4 We therefore arranged to meet via Zoom on 5 June, the intention being that I would go through the allegation against her and invite her to comment on five specific questions, namely:

- (1) Whether she recalled the incident reported as having taken place on 12 March;
- (2) If she did not, whether she believed that the two officers fabricated the allegation;
- (3) If she did recall the incident, whether she admitted using the words alleged;
- (4) If she did not, whether she believed that the two officers fabricated the allegation that she had used foul language;
- (5) Whether she had any further comments on what may or may not have taken place at that time, including the purpose of her visit to the Planning Office on that day.

5.5 I explained that I might then have further questions for her, depending on her answers.

5.6 My experience over the past thirteen years has been that Zoom / Teams sessions are just as effective as face-to-face meetings and they have the advantage of making more economical use of time. I therefore hoped that this would hold good in this instance. Unfortunately, it did not. I found Cllr Hayes' employment of diversionary tactics and her uncooperative and filibustering attitude towards me and my attempts to be conciliatory in a genuine effort to move this investigation forward completely unproductive.

5.7 The Zoom session I had with her was so disjointed and argumentative on her part that it was useless and rather than following my normal practice of transcribing our discussions, I deleted the recording I had made. It became so unstructured that, frankly, it was of no value. I accordingly discussed the matter with Mr. Prashar and proposed a different approach which I hoped would find favour with Cllr Hayes.

5.8 I accordingly sent Cllr Hayes a further email, as follows:

*'The complaint brought in the name of the Chief Executive (I'll come to that point shortly) is to the effect that on the afternoon of Tuesday 16th*** March* 2024 you went into the Planning Department at BFC and, approaching Max Baker and one of his colleagues, said something along the lines of "Watch out – I can lip-read you know. I'll kick your fucking head in". Whilst the exact wording may not be as set out above, both officers were absolutely adamant that you used the F-word.*

That is the extent of the conduct alleged which, if proven could constitute a breach of the BFC Code of Conduct. As mentioned in my email to you of 25

May, I have brief statements from each of the officers concerned, one of whom (Max Baker) has, as you are well aware, retired and the other, the more junior officer, who did not wish to raise a formal complaint.

The decision to raise the complaint was made in the name of the Chief Executive Susan Halliwell who told me that she regarded your language as reported to her as being 'quite appalling and thoroughly disrespectful towards the officers concerned'. She added that she does not want anyone coming to work at BFC believing that they are going to be spoken to by a councillor in that way.

I cannot look behind that decision but am acting on instructions from Sanjay Prashar, BFC Monitoring Officer.

I would find it very helpful if you could provide concise written answers to each of the following questions:

- (1) Whether you recall the incident;
- (2) If you do not, whether you believe that the two officers fabricated the allegation;
- (3) If you do recall the incident, whether you admit using the words alleged;
- (4) If you do not, whether you believe that the two officers fabricated the allegation that you used foul language;
- (5) Whether you have any further comments on what may or may not have taken place at that time, including the purpose of your visit to the Planning Office.

I recall that when we spoke via Zoom, you told me that you and Max Baker had a long-standing working relationship and that such 'choice' language' as you may have used on 16th*** March was nothing more than banter. Although I do need clear and concise answers to the above questions as a preliminary, you are at liberty to amplify your response insofar as it is relevant and necessary to do so by way of explanation of what took place.

[*This should have read 12th March – see Paragraph 5.14 below]**

5.9 This communication was in effect the third time that I had spelt out to Cllr Hayes the specifics of the alleged incident and the five straightforward questions that I was seeking in order to take the investigation forward.

5.10 She replied to my email two days later thus:

‘COMPLAINT ‘BY’ SUSAN HALLIWELL

Before I can comment with my concise written answers to those 5 very specific questions, I need some detail from you. Otherwise, all I have to go on is the ‘jumbled’ information on the complaint form which is evidently a third hand interpretation of events.

(1) As Max did not make the complaint, has Max indicated any personal offence was taken?

(2) On the complaint form it says that Max is not clear as to whom any comments may have been directed. Has this been clarified?

(3) Has Max been asked who instigated the conversation and if so, what he said/did?

(4) Has Max been asked if he has ever used bad language

a. In the office

b. In his conversations with me

(5) Has Max been asked if he recalls any apology given as part of our conversation?

(6) Has anyone else (other than [Officer A]) in close proximity to Max and I, been asked,

a. If I spoke with them

b. If so, what did I say

c. How did they respond?

(7) Have you established whether or not swearing can be heard from time to time in council offices?

If this complaint, is in effect, about the use of language in council offices have you found any instructions Susan Halliwell has put out since her appointment and if so please provide a copy?’

5.11 It was quite clear to me that this response was yet another attempt by Cllr Hayes to avoid answering the five simple questions I had asked her. Following further discussions with Mr Prashar I accordingly wrote to her once again pointing out that it was quite improper for the subject of a complaint to raise questions of the investigator in the way she was seeking to do.

5.12 I stated that if she did not provide a response in writing to my questions relating to the incident on 12th March by close of business on Friday 14 June, I would conclude my investigation and draft a report with findings based on the information I had been able to gather to date. For ease of reference, I repeated the questions yet again.

5.13 I received Cllr Hayes’ reply on Thursday 13 June. It is reproduced in full below.

5.14 It should be noted that in my earlier message to Cllr Hayes I had inadvertently referred at one point to the incident having occurred on 16th March – this was a typographical error for which I apologised as soon as she brought it to my attention.

5.15 The text is exactly as Cllr Hayes submitted it to me.

CLLR HAYES' RESPONSE OF 13 JUNE IN FULL

WITHOUT PREJUDICE

Dear Mr Lingard

I refer to your email dated 11th June. Your response is very disappointing. There are a number of 'improper' dealings in respect of both complaints by others, all I was seeking was clarification on matters pertinent to the complaint. The lack of detail in the complaint form puts me at a distinct disadvantage.

As requested, here is my response to the 5 questions and what detail there is in your email about the matter.

COMPLAINT BY SUSAN HALLIWELL

Allegation: that in Susan Halliwell's opinion, *I have "failed to treat Max and/or others with respect."*

In your email you state as follows

*".....to the effect that on the afternoon of **Tuesday 16 March 2024** you went into the Planning Department at BFC and, approaching Max Baker and one of his colleagues, said something along the lines of "Watch out – I can lip-read you know. I'll kick your fucking head in". Whilst the exact wording may not be as set out above, both officers were absolutely adamant that you used the F-word. The exact words are as you state, not perhaps as are stated in the complaint form but both officers are adamant that I used the F-word. That is the extent of the conduct alleged which, if proven, could constitute a breach of the BFC Code of Conduct and Member / Officer Protocol".*

In response, the use of the 'F-word' itself would not constitute a breach of the BFC Code of Conduct and Member/Officer Protocol. The deciding factor must surely be the context in which such language may have been used. Words only have true meaning when used in a sentence. The purpose of any spoken sentence has to be considered in the context of its use, hence why I asked the questions of you.

As you have not provided me with the necessary details, I will make several assumptions and, on this basis, my concise written answers to each of your 5 questions are ***in bold italics***

- (1) Whether you recall the incident;

RESPONSE – in your email you seem to have your dates confused. The 16th March was a Saturday. On that day I attended site visits and I reject any suggestion of using such language on that day. I do recall my visit to the offices during the previous week. This would have probably included Tuesday 12th March.

- (2) If you do not, whether you believe that the two officers fabricated the allegation;

RESPONSE – I don't have sight of any statements that you may have, or of the questions asked of them. The details on the complaint form confirm that it's not clear as to exactly what may have been spoken and to whom. From your own investigations you confirm that the exact words are in some doubt. You don't seem to have any details of what was said by Max when he saw me as I entered the office. It also seems that you don't have details of the context in which he made his remarks or the nature of our long-established working relationship. For the record, it was he that started the 'office banter' that then followed. We engaged in the same 'style of chat' that has been our practice for some years.

However, in RESPONSE TO THE FOLLOWING: “Whilst the exact wording may not be as set out above, both officers were absolutely adamant that you used the ‘F’ word.”

I have already admitted to Sanjay, that I did use the ‘F’ word during our banter style of conversation. I also told Sanjay that I immediately apologised to others present and nearby, for doing so. They responded in a way that told me that no offence had been caused. Whilst I am not seeking to defend the use of such words, the use of such language is not uncommon at Bracknell Forest and the use of the ‘F’ word alone even in the offices, cannot constitute an actionable matter in the context of the Code of Conduct.

- (3) If you do recall the incident, whether you admit using the words alleged;

RESPONSE – there was no incident on the 16th March. During the week that included the 12th of March, I did visit the offices and spoke to Max. When I entered the office, I saw him and he made comment about me coming towards him. I responded to his light hearted comment and we would have engaged in a form of verbal banter as we have done many times before. That banter included me using the ‘F-word’ as I have admitted to Sanjay, but the context of its use has to be the key factor to consider relative to any potential breach of the Code.

To illustrate my point. Imagine two friends chatting in a pub and one said to the other “you are an ‘F-ing’ idiot.” A third-party hearing this may be concerned. If that person then reported to the publican, who not knowing of the relationship between the two, might just fear that a punch up is about to start. Yet all it was, was banter between two people over a pint. I suggest this is very like the situation we have here. Susan only heard of words spoken and she was too far distant from the facts. As a consequence, the complaint has been made on her behalf based on a fourth-hand account and without her or others, taking sufficient care to contextualise the situation.

I therefore reject any suggestion that the way I used the ‘F’ word in my conversation with Max showed lack of respect amounting to a breach of the Code. If this were the case then Max would have not gone out of his way to invite me to his leaving do whilst we ate cake together after Max’s last planning committee meeting on the 21st March. Furthermore, had I caused offence then I am sure that Max would have made a complaint in his own name. He had no reason to hold back as he was leaving.

- (4) If you do not, whether you believe that the two officers fabricated the allegation that you used foul language; **RESPONSE – see above.**
- (5) Whether you have any further comments on what may or may not have taken place at that time, including the purpose of your visit to the Planning Office.

RESPONSE – I was in the office as I needed to speak to Max in his capacity as Assistant Director. I spoke with him in my capacity of Ward Member and at that time still a Member of the Planning Committee. Our discussion was about a complex planning matter in my Ward. The meeting was productive and as far as I was aware. I left that meeting as far as I was concerned having caused no distress to Max or anyone else in the office. Our professional relationship continued with our normal good humour during the following planning site visits and committee meeting.

In summary, whilst I have already admitted that I did use the ‘F’ word, I consider the complaint unjustified. Whilst the form properly identifies a relevant cause for the complaint as per the Code, the supporting detail is woefully inadequate and should never have been accepted in their current form. I would like to think that if the correct procedure had been followed as per the Code then, as they are, that they would never have been referred for investigation. The allegation could have been sorted out had the relevant managers made the effort to approach me. This would have saved me considerable distress, cost and reputational damage; doing so would have saved the council budget, staff time whilst also helping ensure a continued good working relationship.

6 COMMENTS ON CLLR HAYES' RESPONSE

- 6.1 Ignoring her references to the mistyped date, I have the following comments on Cllr Hayes' response.
- 6.2 It is difficult to understand how much clearer I could have made the nature of the complaint against Cllr Hayes. She was provided with a copy of the original complaint as lodged by Stuart McKellar on behalf of the Chief Executive. The facts as alleged against her were set out very clearly in the interviews I had with Officer A and Mr Baker and summarised by me in my various communications with her. The statements by the two officers are included in this document and if Cllr Hayes now saw anything therein which I had not previously vouchsafed to her, she was of course at liberty to comment accordingly when responding to the draft version of this report.
- 6.3 The interviews that I conducted with Officer A and Mr Baker did not take the form of full-blown question and answer sessions, nor was it necessary for them to do so. I simply asked each officer to tell me what happened on the afternoon in question and they told me in their own words. Their accounts, given to me quite independently and several days apart, tally in all essential detail.
- 6.4 It was not necessary for me to enquire, as Cllr Hayes seems to suggest that I should, whether there was a culture or habit of the use of bad language in and around the office.
- 6.5 Cllr Hayes mentions that she has admitted to Mr. Prashar that she has used the F word during '*their banter style of conversation*'. It is not clear whether this is a reference to the exchange on 12 March or to other conversations she had had with Mr Baker over the many years that they had worked together. Whatever the reality of the situation, it is clear to me that Cllr Hayes' use of the F-word more or less as an opening gambit when approaching Mr. Baker and, in particular his colleague who told me that she had never previously had a conversation with Cllr Hayes, was totally unacceptable.
- 6.6 I disagree that the use of the F word cannot alone justify action being taken against the person responsible. Context is everything and whilst it is quite true that people in all sorts of different environments will use bad language, this does not make it right, any more than, say, sexist comments can be justified by over-use.
- 6.7 It may well be that having known and worked with her for many years Mr. Baker was well used to Cllr Hayes' demeanour and disposition but it is quite clear that Officer A, who had never spoken to Cllr Hayes, was sufficiently concerned by the language used in her presence by a senior member of the council to mention it to a senior manager by whom the matter was escalated to the Chief Executive. It is entirely understandable that a relatively junior member of staff would not wish to 'put her head above the parapet'.

7 THE CODE OF CONDUCT & MATERIAL CONSIDERED

- 7.1 BFC's Code of Conduct for Members may be found in Section 13 of the Council's Constitution and the relevant paragraph of the Code is 3.1:

'I treat others with respect'

A simple and easily understood obligation.

- 7.2 Section 15 of the Constitution contains the Council's member / Officer Protocol, Paragraph 3.1 of which provides that:

'...Members and Officers must work together in a harmonious relationship based upon mutual respect, courtesy, trust, honesty and understanding of each other's roles. This should prevail in all meetings and contacts, whether formal or informal.'

- 7.3 The above provisions are set against the background of the Seven Nolan Principle of Public Life and are to be found in the constitutions of virtually every local authority in the country and it is against them that I have assessed the complaint.

8. WAS CLLR HAYES BOUND BY THE CODE AND THE PROTOCOL?

- 8.1 The Code of Conduct and protocol were both in force at the material time and Cllr Hayes was accordingly bound by their provisions provided that she was acting as a councillor at the material time.

- 8.2 There is no doubt that Cllr Hayes was acting in her capacity as a councillor at the time of the incident described by Mr. Baker and Officer A. She was therefore bound by the Code of Conduct,

9. CONSIDERATIONS

- 9.1 The essential facts of this case are not in dispute. Cllr Hayes admits that she used the F-word during the course of her exchange and to that extent it matters not whether the sentence in which she used it was precisely as recollected by Mr Baker or by his colleague – the essence is there in both accounts - actually in all three if Cllr Hayes' own version is included.

- 9.2 Whatever bantering relationship Cllr Hayes had built up with Mr. Baker over the years (and it seems that they did get on and that he apparently took no immediate exception to her remarks) her conduct on 12 March must on any assessment be totally unacceptable despite Cllr Hayes' insistence on the importance of context. I hardly think her analogy of two friends in a pub bears comparison with the situation which caused Officer A. to be sufficiently concerned to report it to a senior manager.

10. DRAFT CONCLUSION

- 10.1 I gave given very careful consideration to all that I was told by all interviewees including Cllr Hayes and concluded that she had breached the Code of Conduct and the Member / Officer Protocol as particularised above. I did not arrive at this view in sole reliance on her use of the F-word but taken as a whole, her remarks aimed at Mr. Baker and / or Officer A, demonstrate a complete lack of respect at even the most basic level. I should have expected a considerably higher standard of conduct from someone who clearly has a very high public profile locally.
- 10.2 If, as Cllr Hayes suggests, this ‘banter’ was nothing out of the ordinary in the BFC offices, that of itself is a matter of concern that should be addressed but even if such a culture is a feature of office life at BFC, that does not excuse the way in which I was satisfied, on the balance of probabilities (the applicable standard of proof in this case) that she behaved on 12 March.

11. RESPONSES TO THE DRAFT REPORT

- 11.1 I completed my draft report on Monday 17 June and sent a copy to Mr. Prashar that day for his confirmation that it met the Council’s requirements in terms of format, content and coverage. I did not ask whether he agreed with my draft findings.
- 11.2 On receipt of that confirmation the following day, I sent copies of the draft to Cllr Hayes and to Ms Halliwell, inviting their comments by 2 July. I confirmed that upon receipt of any comments, I would prepare the final version for submission to the Council.
- 11.3 Ms Halliwell replied on 20 June confirming that she regarded the report as factually accurate. She made no further comment.
- 11.4 Cllr Hayes replied the following day. She said that in short, she did not challenge my conclusion but she submitted a number of observations for my ‘consideration or wider understanding’. Whilst I would ordinarily interleave such responses into the body of my reports, I felt that to do so in this instance would not only interrupt the continuity of the original report but also prejudice the ‘flow’ of Cllr Hayes’ response and I therefore decided to reproduce her submission in full. It is to be found at **Appendix 2**. The reader is accordingly invited to read Appendix 2 in full.
- 11.5 My comments on what Cllr Hayes has to say are set out in Section 12 below. It is hoped that this arrangement will render the report as a whole readily legible and clear.

12. MY COMMENTS ON CLLR HAYES’ RESPONSE TO THE DRAFT REPORT

- 12.1 Cllr Hayes is at pains to emphasise that there was never any malicious intent behind her use of ‘robust’ language and whilst I accept that this was the case,

its use was no less inappropriate for all that. I believe that Cllr Hayes accepts this point.

- 12.2 The circumstances that frustrated my attempts to arrange an initial meeting with Cllr Hayes clearly gave rise to some misunderstanding about the nature of the investigation process but my attempts to start off with some basic questions and to progress from there in a manner appropriate to responses received did not bear fruit.
- 12.3 Cllr Hayes goes some way to explaining the context in which her exchange (if it can be called that) with Max Baker took place although I still cannot see any justification for the expression used, particularly in front of a junior officer whom Cllr Hayes did not know.
- 12.3 There is little to be gained by going over the factors that led to my aborting the Teams meeting.
- 12.4 I was pleased to note that Cllr Hayes feels that some modification or 'toning down' of her conduct in and around the office would be appropriate and I hope that this can be achieved either with or without a formal 'training' label being attached to the process and I was also pleased to note the constructive comments set out in the final paragraph of her submission.

13. FINAL CONCLUSION

- 13.1 Although Section 12 above may appear to be a rather brief response to what Cllr Hayes had to say, I did read her submission very carefully, particularly bearing in mind the obligation upon me to consider whether I should revise my draft conclusion.
- 13.2 The facts in this case are straightforward and undisputed. Nothing that Cllr Hayes said in her response at Appendix 2 causes me to depart from my draft conclusion and I accordingly stand by my view that Cllr Hayes did breach the BFC Code of Conduct by virtue of her conduct towards two Planning Officers on 12 March 2024.

14. POSTSCRIPT

- 14.1 In a most unfortunate turn of events, I was putting the final touches to my report when I was admitted to hospital for major abdominal surgery – thankfully over and done with a couple of days ago. My apologies for the consequent but inevitable delay in finalising the report.

Richard Lingard

12 July 2024

THE COMPLAINT

Councillor complaint [OFFICIAL- SENSITIVE]

Case reference: BFC/1129517

Councillor details

Name: Cllr Mrs Hayes **Council:** Bracknell Forest Council

Complaint details

How has the councillor's behaviour breached the Code of Conduct?

By failing to treat me and/or others with respect

Please provide us with details of your complaint:

Towards the end of March, it was reported by Max Baker, recently retired Assistant Director: Planning, that he was witness to inappropriate behaviour in Time Square exhibited by Cllr Hayes. He reported, "My recollection is that [Officer A] spotted her heading towards us and said to me something like 'look out Dot's coming'. Dot then came up to us and said "watch it or I'll kick your fucking head in" which may have been directed at me but could have been at [Officer A]. She then said that she knew how to lip read. After that she started talking about planning matters for a bit and then left."

It is believed that this behaviour has breached the code of conduct in multiple ways:

- (i) Not treating others with respect
- (ii) Bullying or harassing a person
- (iii) Bringing the Council into disrepute

The subject of the behaviour is a junior officer who does not wish to raise a formal complaint. Given the seriousness of the incident, it is being progressed on behalf of staff in the organisation by the Head of Paid Service.

Witnesses

Name: Max Baker **Address:** **Email:** [REDACTED]

Customer details

Title: Mr. Stuart McKellar

Would you like your identity to be kept confidential? No

Please tell us which best describes you: Other council officer or authority employee

CLLR HAYES' RESPONSE TO THE DRAFT REPORT

Dear Mr Lingard

Thank you for providing me with the opportunity to comment on your draft report. I am genuinely sorry that you feel that my conduct has been obstructive. That was never my intention. I don't think you appreciate just how I feel after over 30 years working as a Councillor, that I learn of not one but two complaints via two fellow Councillors. For me to then find out that the complaints came from officers with whom I have had long standing working relationships and about matters that could have been raised with me directly only added to my level of anxiety and distress.

As to your report, I don't intend to challenge your conclusion. How could I when I have already admitted that I had used inappropriate language. I have also already agreed that my use of bad language in an office situation where there are third parties was wrong but I maintain that there was never any malice or intent in whatever was said, a point that I note you seem to have accepted. My questions were certainly not an attempt to frustrate the process. I merely wanted clarity of what was being said and by whom. I also wanted to make sure that you to understand the context of my discussion with Max and the nature of our working relationship. Your report has enabled me to better gain the understanding I was seeking. Having read it, I can see how the way I have been working with officers such as Max, has exposed both parties to the risk of accusations of having an 'overfamiliar' relationship. I have always tried to work collaboratively with others in order to get the best outcome for the Borough. I have a wealth of local knowledge that I have been able to share to good effect particularly in relation to planning matters. I also have many local contacts and am approached by many people locally about their concerns. I believe that the nature of my working relationship with Max and others, has achieved some very good outcomes which may not have come about otherwise. From this experience it seems that this style of working is perhaps no longer appropriate at Bracknell Forest, which is a shame.

As I say I don't intend to challenge your conclusion but I will make the following observations. I accept that some are more a matter for Sanjay to think about when he considers the best way to resolve matters.

In your Executive Summary you make reference to two planning officers. The complaint form states that the subject of the behaviour is a junior officer and this, if you recall was one of the points that added to my confusion. Prompted by the detail in your report, my recollection of the discussion on that day was that I was speaking with Max. I came into Time Square to try to see if anyone was available to discuss planning matters in relation to the Brickfield site but there was no one there. Looking in across the corridor, I saw that Max was also in the office and as the head of service I went to see him about my concerns about the way that the Brickfield site was being managed. Whilst there we also talked about the changes in the size of the planning committee. The Junior officer, whose name I do not know, was not party to our discussion. Whilst I was not speaking to her, I can understand how she may have felt having heard our

conversation. Accordingly, I accept that I may have unintentionally caused offense to Max and that officer A might have found what I said offensive. I don't believe that it is correct to say that I used abusive language against two officers and I did say sorry straight away and I believed that my apology had been accepted.

In para 4.5, SH refers to her view that I may have found it difficult to adjust from my previous role. I am not sure the basis for this comment but if it's a genuine concern then I would invite her to pick up the phone to have a chat. I respect her view, but she clearly does not know that I have been approached several times by new members of the opposition, inviting me to chat over a coffee and learn more about the workings of the council from a member's perspective. I have been happy to help. The suggestion to you that I may mount legal action is also somewhat speculative and I hope that it did not influence your thinking, approach to me or your report. I have not done so before and I have never refused to have a conversation. I do think that her decision to deviate from the Code and inform the Conservative Party Leader, has not helped. Time and again since I first heard about the complaint, I have been made aware of discussions going on about me behind my back. This is not helpful in such situations such as this. I also note in para 4.7, the comment from SH about me approaching a number of junior officers to try to get them 'onside'. I total reject that suggestion. I have not raised this matter with any officer. It would have been inappropriate for me to have done so. I have had officers contact me on a range of planning matters both since the alleged incident and her note to me. I admit that I have contacted some in respect of points of detail on planning matters and I find it difficult to understand how these could have been efficiently dealt with via a third party. Junior officers have also been contacting me during this same period of time.

In para 4.8 again there is reference to the party whip and party leader. Having had conversations about me with SH, they contacted me whilst I was on holiday to tell me of a complaint about the alleged use of language. This was the first I had heard of this and I was given little other detail at that time. I tried to push it aside in my mind for the duration having agreed to pick up the matter upon my return to the UK. The complaint form was only produced some time and some weeks after this conversation. I am very happy with her suggestion about members giving apologies. I remain concerned for any offence I may have caused to Max or any others who may have overheard me despite the apology given at the time. I had already confirmed to Sanjay that I am more than willing to do this again. I have also said that I will try to better control my emotions and use of language in the future. Whilst I don't believe that it's the best approach for planning matters in particular, I am also willing to direct all future dealings via the Executive Directors as per a very recent instruction to all members. I am concerned as to whether or not this would happen in reverse. I don't think junior officers should be able to contact us directly as that then puts us at risk of complaint does it not?

In paras 5.3 and 5.4, the inference in your report is that any time delay was due to me. That is simply not true. My diary note is that you rang on the 4th for a Teams call discussion the following day. Rather than delay any further I agreed to this short notice but I advised that my granddaughter would be with me and this could give rise to problems as she is only 2 years old. Whilst she was very good, I was very much aware of my responsibilities to her during our discussion. I think that your comments in para 5.6 and 5.7 do not fairly reflect the situation I was in. I would not argue that I was "flustered and distracted". Is this really surprising given my fragile state of mind and

child care responsibilities at that time? After many weeks of waiting and chasing for contact; hearing of private meetings and discussions going on about me by others; being aware that two complaints had been made against me, to say I was in a state where I was anxious and upset would be an understatement. You don't know me but I believe that I have given my heart and soul to my role, often without consideration to my own health or fiscal circumstances. Add to this, having been told by the Chief Executive that she had decided 'as both related to my conduct towards officers' that I should stay away from the offices. All of this left me in a somewhat distraught state of mind affecting my health and in particular my ability to sleep. Mindful of this, I think these paragraphs are hurtful, needlessly graphic and should be trimmed. I do agree that the Teams meeting was not as productive as either of us would have liked. Personally, I was hoping for a two-way conversation. Perhaps things may have been different if there was only the one complaint on my mind. I also had a file of information that I was happy to share with you hence why I had wanted the face-to-face meeting that you had to cancel because of your health concerns.

In para 5.9, I don't think it's correct to say "that this was the third time that you had spelt out the specifics etc." In that note, you gave me some of the information that I had been seeking for the first time. My response was no more than a last try to get some of the other points clarified so that I could answer your questions as best I could. If you check that reply at the very bottom, I did make the point that if you don't know the answer to any point, just say so and I also committed to a prompt reply. I therefore don't see how you can conclude in para 5.11, that "this was yet another attempt for me to try to avoid answering the questions." I did so within two days and before your deadline.

In para 6.2 you question how it could have been that I was still unclear as to the nature of the complaint. I can't answer that other than to say that now having seen more of that detail I have found it most helpful. I just don't understand why it could not have been made available sooner.

In para 6.5, I don't understand how you are still unclear at this point of your investigation. What I was trying to get across, not as an excuse, was that Max and I had a working relationship that included a degree of banter between us. We perhaps knew more about each other's personal circumstances than we should have. For my part, I am happy to admit that I perhaps lost sight of some boundaries as a result. My conversation with him on that day is perhaps a good example of this. It was a two-way exchange and what was being said was in my view in the belief that we had a good working relationship and friendship. I had never set out to cause any distress to Max or officer A and I applaud officer A for raising her concerns. Had their concerns been made known to me sooner I would have done more to try to make amends in addition to the apology I had given at the time.

Finally, and only intended as a helpful suggestion, there will always be learning from an investigation such as yours. Why don't you add a paragraph with any points that occur to you. There are 3 that come to my mind the first two are for me to speak with Sanjay at some time. I found it confusing that parts of the Code were not followed; I think that the role/purpose of the Independent Person should be defined and whilst we seem to have a difference of opinion as to the quality of the supporting information in the complaint form, I hope we can at least agree that there is room for improvement.

Yours sincerely

Dorothy

Cllr Mrs Dorothy Hayes MBE

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From: [Sanjay Prashar](#)
To: [Sanjay Prashar](#)
Subject: Fw: Code of conduct complaint
Date: 11 November 2024 17:06:49

BFC - CONFIDENTIAL

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From: Cllr. Dorothy Hayes <Dorothy.Hayes@bracknell-forest.gov.uk>
Sent: 18 April 2024 10:37
To: Susan Halliwell <Susan.Halliwell@bracknell-forest.gov.uk>; Sanjay Prashar <Sanjay.Prashar@bracknell-forest.gov.uk>; Debs Jones PA to Chief Executive <Debs.Jones@bracknell-forest.gov.uk>
Subject: Re: Code of conduct complaint
Sorry All - upset - email sent before completed:
Therefore to conclude - did try to contacted office number - now await allegation details.

Cllr Mrs Dorothy Hayes MBE
Winkfield with Warfield East Ward

Without Prejudice

From: Cllr. Dorothy Hayes <Dorothy.Hayes@bracknell-forest.gov.uk>
Sent: Thursday, April 18, 2024 10:17:54 AM
To: Susan Halliwell <Susan.Halliwell@bracknell-forest.gov.uk>
Cc: Sanjay Prashar <Sanjay.Prashar@bracknell-forest.gov.uk>; Debs Jones PA to Chief Executive <Debs.Jones@bracknell-forest.gov.uk>
Subject: Re: Code of conduct complaint
Dear Susan

This is to confirm receipt of your email, and the content therein. The content of which has caused me great distress. I await contact from Sanjay - but be assured I do not take this matter lightly. I have left message on your office n

From: Susan Halliwell <Susan.Halliwell@bracknell-forest.gov.uk>
Sent: Thursday, April 18, 2024 9:38:36 AM
To: Cllr. Dorothy Hayes <Dorothy.Hayes@bracknell-forest.gov.uk>
Cc: Sanjay Prashar <Sanjay.Prashar@bracknell-forest.gov.uk>; Debs Jones PA to Chief Executive <Debs.Jones@bracknell-forest.gov.uk>
Subject: Code of conduct complaint

Dear Cllr Hayes

At the end of March, just before I went on leave, an incident was escalated to me where it has been reported you used inappropriate language towards two members of staff in Time Square. Unfortunately due to the nature of the incident reported and as Head of Paid Service it is necessary for me to submit a code of conduct complaint. Out of courtesy I wanted to let you know ahead of Sanjay

initiating his investigation so that this doesn't come as a surprise to you. I know Sanjay will be in touch soon, so you will be able to talk through incident with him but if you need any further information about the process please do let me know.

Regards

Sue

Susan Halliwell (she/her)

Chief Executive

Susan.Halliwell@bracknell-forest.gov.uk | Tel: 01344 355601

Chief Executive's Office

Bracknell Forest Council

Time Square | Market Street | Bracknell | Berkshire | RG12 1JD

www.bracknell-forest.gov.uk

I may send emails out of core hours as it suits my working patterns. I don't expect you to read, action or respond out of your own working hours.

From: [Sanjay Prashar](#)
To: [Sanjay Prashar](#)
Subject: Fw: [OFFICIAL-SENSITIVE] Code of Conduct complaint
Date: 11 November 2024 17:03:33
Attachments: [Councillor complaints PDF.pdf](#)
[arrangements-for-dealing-with-councillor-code-of-conduct-complaints.pdf](#)

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From: Sanjay Prashar
Sent: 19 April 2024 16:36
To: Cllr. Dorothy Hayes <Dorothy.Hayes@bracknell-forest.gov.uk>
Subject: [OFFICIAL-SENSITIVE] Code of Conduct complaint

Dear Councillor Hayes,

I am writing to notify you that I have received the attached complaint from the Chief Executive, alleging that you have breached the Councillor Code of Conduct.

In accordance with the Authority's arrangements for dealing with Code of Conduct Complaints against Councillors I will review the complaint and, if necessary, after consultation with the Independent Person, take one of the following three steps:

- i. Take no action
- ii. Seek to resolve the complaint informally
- iii. Refer the Complaint for investigation

Before I do so I would like to invite you to submit any observations you wish to make in response to the substantive grounds of complaint. I will ask my PA to contact you early next week with a view to scheduling a Teams meeting

For your convenience I have included a link to the Council Code of Conduct below and attached a copy of the current arrangements for dealing with complaints.

<https://democratic.bracknell-forest.gov.uk/documents/s187635/4.13CodeofConductforMembersandCo-optedMembers.pdf>

Thank you for your co-operation.

Yours sincerely
Sanjay Prashar

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From: [Sanjay Prashar](#)
To: [Sanjay Prashar](#)
Subject: Fw: Meeting with Sanjay Prashar
Date: 11 November 2024 16:32:23

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From: Sanjay Prashar <Sanjay.Prashar@bracknell-forest.gov.uk>
Sent: 11 November 2024 16:28
To: Cllr. Dorothy Hayes <Dorothy.Hayes@bracknell-forest.gov.uk>
Subject: Fw: Meeting with Sanjay Prashar

From: Cllr. Dorothy Hayes <Dorothy.Hayes@bracknell-forest.gov.uk>
Sent: 22 April 2024 15:04
To: Helen Durbin <Helen.Durbin@bracknell-forest.gov.uk>
Cc: Sanjay Prashar <Sanjay.Prashar@bracknell-forest.gov.uk>
Subject: Re: Meeting with Sanjay Prashar
Dear Helen - In diary. Nice to speak with you earlier must pay bill. Will get pictures at Downing Street.....dot

Cllr Mrs Dorothy Hayes MBE
Winkfield with Warfield East Ward

From: Helen Durbin <Helen.Durbin@bracknell-forest.gov.uk>
Sent: Monday, April 22, 2024 12:51:23 PM
To: Cllr. Dorothy Hayes <Dorothy.Hayes@bracknell-forest.gov.uk>
Subject: Meeting with Sanjay Prashar

Good morning Cllr Hayes,

Sanjay has asked me to contact you to schedule in a 1-hour teams meeting this week to discuss a Code of Conduct matter.

Sanjay is available on the following days:

- Wednesday 24 April between 11am and 5pm
- Thursday 25 April between 9am and 3pm
- Friday 26 April between 1pm and 5pm.

Please can you let me know which of the above suits your diary and I can send a Teams invite. If these times do not suit, then please let me know and I can take another look at the diary.

Best wishes,

Helen

Helen Durbin

PA to Executive Director: Communities & Borough Solicitor

Delivery

Bracknell Forest Council

[01344 351811](tel:01344351811)

Helen.Durbin@bracknell-forest.gov.uk

www.bracknell-forest.gov.uk

Please note my working pattern is Monday to Wednesdays. Dawn Dobson can be contacted on my non-working days – dawn.dobson@bracknell-forest.gov.uk.

From: [Sanjay Prashar](#)
To: [Sanjay Prashar](#)
Subject: FW: [Official -Sensitive] Code of Conduct
Date: 11 November 2024 16:19:23

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From: Sanjay Prashar
Sent: Thursday, April 25, 2024 3:01 PM
To: Cllr. Dorothy Hayes <Dorothy.Hayes@bracknell-forest.gov.uk>
Cc: Cllr. Robert McLean <Robert.McLean@bracknell-forest.gov.uk>; Cllr. Gareth Barnard <Gareth.Barnard@bracknell-forest.gov.uk>; Dorothy Hayes <dorothy.hayes@bracknell-forest.gov.uk>
Subject: RE: [Official -Sensitive] Code of Conduct

Dear Councillor Hayes,

Thank you for your email.

I can confirm that the complaint relating to Max Baker was received on 16 April. I will look to make an initial determination on whether to investigate the matter as soon as practicable after our scheduled meeting tomorrow.

In terms of an advocate accompanying you at the meeting tomorrow this would not be appropriate. The meeting is specifically an opportunity for you to convey your initial observations relating to the 2 incidents in order that I may consider next steps. There is no necessity as this stage for you to produce any documentation at this stage.

I look forward to receiving your thoughts on Teams in respect of both complaints tomorrow at 2pm.

Yours sincerely

Sanjay

From: Cllr. Dorothy Hayes <Dorothy.Hayes@bracknell-forest.gov.uk>
Sent: Thursday, April 25, 2024 12:25 PM
To: Sanjay Prashar <Sanjay.Prashar@bracknell-forest.gov.uk>
Cc: Cllr. Robert McLean <Robert.McLean@bracknell-forest.gov.uk>; Cllr. Gareth Barnard <Gareth.Barnard@bracknell-forest.gov.uk>; Dorothy Hayes <dorothy.hayes@bracknell-forest.gov.uk>
Subject: RE: [Official -Sensitive] Code of Conduct

Dear Sanjay,

Firstly, to confirm receipt of your email shown below. Secondly to inform you I was about to send an email to you containing the following relating to the 'Max Baker' issue.

(Dear Sanjay, Please can I be provided with clarification on the following: In the arrangements for dealing with Councillor Code of Conduct Complaints, it states that the Monitoring Officer will review the complaint received and a decision will be taken within 14 days of receipt of the complaint. Can I please ask when the Max Baker Complaint was received, and if this is within the time scale? Please confirm that arrangements can be made for my advocate to attend our meeting on Friday....Dorothy)

Having now only today been made aware of the content of the second Complaint 'Damian James' – considering the amount of correspondence connected with the issue of the Poppies and Crowthorne Community/Parish Council – I am upset and concerned about what has been

stated. Will provide you with detailed emails concerning history and early care etc of Poppies. Therefore, I had tried to contact you earlier to discuss how you wish to proceed. We can have a discussion but a detailed paper/witness statements etc at such short notice may be a problem.....dot

Cllr. Mrs. Dorothy A.S. Hayes MBE
Winkfield with Warfield East Ward.
Without Prejudice

From: Sanjay Prashar <Sanjay.Prashar@bracknell-forest.gov.uk>
Sent: Thursday, April 25, 2024 9:29 AM
To: Cllr. Dorothy Hayes <Dorothy.Hayes@bracknell-forest.gov.uk>
Cc: Cllr. Robert McLean <Robert.McLean@bracknell-forest.gov.uk>
Subject: [Official -Sensitive] Code of Conduct

Dear Councillor Hayes,

I am writing to notify you that I have received the attached complaint from the Assistant Director Contract Services, Damian James, alleging that you have breached the Councillor Code of Conduct.

In accordance with the Authority's arrangements for dealing with Code of Conduct Complaints against Councillors I will review the complaint and, if necessary, after consultation with the Independent Person, take one of the following three steps:

- i. Take no action
- ii. Seek to resolve the complaint informally
- iii. Refer the Complaint for investigation

Before I do so I would like to invite you to submit any observations you wish to make in response to the substantive grounds of complaint. We are already due to meet in relation to an existing complaint tomorrow so I will request your observations then.

For your convenience I have included a link to the Council Code of Conduct below and attached a copy of the current arrangements for dealing with complaints.

<https://democratic.bracknell-forest.gov.uk/documents/s187635/4.13CodeofConductforMembersandCo-optedMembers.pdf>

Thank you for your co-operation.

Yours sincerely
Sanjay Prashar

From: [Sanjay Prashar](#)
To: [Sanjay Prashar](#)
Subject: FW: (OFFICIAL- SENSITIVE) Code of Conduct
Date: 11 November 2024 16:17:13

BFC - CONFIDENTIAL

BFC - CONFIDENTIAL

From: Sanjay Prashar
Sent: Monday, May 13, 2024 6:04 PM
To: Cllr. Dorothy Hayes <Dorothy.Hayes@bracknell-forest.gov.uk>
Cc: Cllr. Gareth Barnard <Gareth.Barnard@bracknell-forest.gov.uk>; Cllr. Robert McLean <Robert.McLean@bracknell-forest.gov.uk>; Susan Halliwell <Susan.Halliwell@bracknell-forest.gov.uk>; Dorothy Hayes <dorothy.hayes@bracknell-forest.gov.uk>
Subject: RE: (OFFICIAL- SENSITIVE) Code of Conduct

Dear Councillor Hayes,

Thank you for your email. When we last spoke on the matter I explained that I would be referring the complaint for investigation and that to ensure complete impartiality I would commission someone independent of the Council. You will recall expressly asking whether you should forward any documents in support of your case to me or to the independent investigator and I advised the latter.

I understand that this is a difficult time for you and I have asked the investigator (Mr Lingard) to get in touch to provide you with clarification around timescales. I would expect that to be in the coming days once he has attained a clear understanding of the facts and context behind both complaints having spoken to the complainants and such other witnesses as he deems appropriate.

Please be assured that referral for investigation does not imply guilt or innocence but serves as an opportunity to ascertain the facts and make recommendations. Your input is a critical part of the process and no findings or recommendations will be put forward by Mr Lingard until he has spoken to you and heard your part of the story in each case.

Yours sincerely
Sanjay Prashar

From: Cllr. Dorothy Hayes <Dorothy.Hayes@bracknell-forest.gov.uk>
Sent: Sunday, May 12, 2024 11:13 AM
To: Sanjay Prashar <Sanjay.Prashar@bracknell-forest.gov.uk>
Cc: Cllr. Dorothy Hayes <Dorothy.Hayes@bracknell-forest.gov.uk>; Cllr. Gareth Barnard <Gareth.Barnard@bracknell-forest.gov.uk>; Cllr. Robert McLean <Robert.McLean@bracknell-forest.gov.uk>; Susan Halliwell <Susan.Halliwell@bracknell-forest.gov.uk>; Dorothy Hayes <dorothy.hayes@bracknell-forest.gov.uk>
Subject: (OFFICIAL- SENSITIVE) Code of Conduct (close of business 10/05/2024)

Without Prejudice

Dear Sanjay,

Having heard or received nothing, since the 1st May from you, or your 'Independent Person' Mr. Richard Lingard, I am now going to make enquires of some fellow Councillors (copied) who seem to have more knowledge about what is going on than me.

From our very informal conversation by 'Teams' on the 25th April, and my email/conversation with Mr Lingard since, on the 1st May, it seems that you have come to a conclusion to refer the complaints for investigation, as per paragraph 5.1 of the Councillors Code of Conduct. This is without you waiting for my considered response to your emails, as I was invited to do but was

not in a position to do so when you called me on the 25th. As you know, I have been away, and unwell for several weeks, hence why I have been slow to respond to your request. Had you waited for my considered response, having had the opportunity to consider the seriousness of the 'allegations', it would have been as follows:

The first Complaint makes unsupported allegations by a third-party officer who has since left the Council. The form says it was 'reported' by Max Baker, but there is no detail how that report was made, or to whom. It reads as if there was some unsolicited chit chat, followed by some interpretation and false assumptions. I believe that I had an excellent relationship with Max and I reject the allegation. It was only because of personal reasons that I was unable to attend his 'leaving do', and to which he had personally invited me.

The second Complaint contains several comments relating to the ownership, management and funding of the Poppies, all of which I reject. I have substantial written evidence to counter any such suggestions. It is incredulous that officers could have come to the conclusion they have without speaking to me. I am extremely concerned as to whether or not there is some other motive behind this complaint.

If, as I suspect, you are progressing the complaint as per para 5.1, may I draw your attention to the detail that I should already have been given. I would particularly like to know the timeframe. It is unjust to continue leaving me guessing as to what's going on. We need to agree a timetable that enables the matter to be resolved, as expeditiously as possible, whilst allowing me sufficient time to engage any representation I feel necessary.

In addition, as per Para 5.3, I look forward to receiving far more detail of the complaints than you have provided so far, if I am to be given the opportunity to comment on and understand who is being interviewed, and for what purpose. In respect of the second allegation, for example and in addition to the written evidence I mentioned that I have, I am able to provide contact details of an independent witness. The person is able to confirm matters from a Council operational perspective, from the time of the original commissioning of the Poppies, and for several years after. As far as I am concerned, this person is a key witness, but there may be others, hence why I need details of all whom are being interviewed. As far as I am concerned, these allegations challenge my reputation and commitment to serving the best needs of the Council and the Community/Residents, and I believe I have a valid right to reply.

I mentioned my health and I want to put on record that this whole business and the way it is being conducted has had a considerable and ongoing adverse impact on my health and well-being. It is very distressing that the matter has been allowed to get to this stage. I acknowledge the offer of support through this process but I don't have confidence particularly in the independence of what is being offered. In my view the Council has and continues to fail in its Duty of Care to me not only upon my health but also my ability to fulfil my role as a Councillor, a role I take very seriously.

Yours sincerely

Dorothy Hayes MBE

Cllr. Mrs. Dorothy A.S. Hayes MBE

Winkfield with Warfield East Ward

From: [Sanjay Prashar](#)
To: [Sanjay Prashar](#)
Subject: FW: [OFFICIAL-SENSITIVE] Re; Code of Conduct complaint- use of inappropriate language
Date: 11 November 2024 16:01:53

BFC - CONFIDENTIAL

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From: Sanjay Prashar
Sent: Tuesday, July 23, 2024 5:24 PM
To: Cllr. Dorothy Hayes <Dorothy.Hayes@bracknell-forest.gov.uk>
Cc: Cllr. Robert McLean <Robert.McLean@bracknell-forest.gov.uk>
Subject: [OFFICIAL-SENSITIVE] Re; Code of Conduct complaint- use of inappropriate language

Dear Councillor Hayes,

I write further to the Chief Executive's complaint into your conduct (Ref; 1129517) and am aware that both you and Ms Halliwell are now in receipt of Mr Lingard's final report which concludes that you have breached the Code. Nonetheless I note that the report references your acknowledgement of wrongdoing and in this regard I invite you to meet with me at Time Square next week with a view to seeking an informal resolution without recourse to a formal hearing before a Code of Conduct Panel. At such meeting I will need to be satisfied both as to your understanding of Mr Lingard's rationale for concluding that there is clear evidence of a breach of the Code as well as to your future conduct.

My PA will be in touch with you tomorrow to agree a mutually convenient date and time.

Thank you for your co-operation

Yours sincerely

Sanjay Prashar

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From: [Sanjay Prashar](#)
To: [Sanjay Prashar](#)
Subject: FW: Complaint
Date: 11 November 2024 16:06:01

BFC - CONFIDENTIAL

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From: Cllr. Dorothy Hayes <Dorothy.Hayes@bracknell-forest.gov.uk>
Sent: Wednesday, July 24, 2024 8:37 PM
To: Sanjay Prashar <Sanjay.Prashar@bracknell-forest.gov.uk>
Cc: Cllr. Robert McLean <Robert.McLean@bracknell-forest.gov.uk>; Dawn Bowen <Dawn.Bowen@bracknell-forest.gov.uk>; Cllr. Dorothy Hayes <Dorothy.Hayes@bracknell-forest.gov.uk>; Helen Durbin <Helen.Durbin@bracknell-forest.gov.uk>
Subject: Complaint

Dear Sanjay

I refer to the long-awaited contact offering to discuss how we might resolve the situation arising from the complaint lodged on behalf of Ms Halliwell.

The report to which you refer, notes what I had already admitted. It includes details of the suggestion made to you to address any wrong I may have inadvertently caused to Max or others. I fully acknowledge that inappropriate language can be considered a breach of the Code. That is particularly the case when the language in question is considered without the context in which it is used. I am very willing to moderate my conduct with officers in the future relative to our working relationship to try to avoid over-familiarisation. I believe that my admission and offer is a reasonable and practical way to conclude this matter 'informally' as you suggest.

I note your reference to Mr Lingard and his conclusion. I am sorry but I am not prepared to discuss the findings of an investigation that was commissioned contrary to the terms of a Code that I am being held to account for. As far as I am concerned his report is irrelevant and the whole issue could and should have been already been addressed informally long ago.

You will recall that I have already mentioned that I have dislocated my shoulder. As a result I am still unable to drive and am on strong painkillers. Because of this, as long as I can arrange transportation and there is no conflict with hospital appointments, then I think I can make the afternoon of the 1 August work. I will confirm this and the time as soon as I have arranged my lift.

I am not sure what else you may wish to raise in the context of Ms Halliwell's complaint but in your role, you are entrusted to ensure fair play and, in that context, I believe you have failed me. Furthermore, Ms Halliwell's allegation of misconduct towards two officers is unjustified and her actions have damaged my reputation within the Council and with our contractors. She also shared details of the complaints with third parties. This is also contrary to the terms of the Code and the way these complaints have come about and been managed has had a detrimental impact on my health and well-being. These are points that I have already raised with you and Ms Halliwell. Ms Halliwell declined to respond but referred me back to you for answers. Accordingly, just as you are looking to me to right any wrongs, I would like to hear proposals as to how the wrongs done to me are going to be put right. I have been treated badly over a period of four months through no fault of my own.

I also want the status of the poppy complaint resolved. There was never any justification for

Damian's complaint and it should be withdrawn, not set aside. You have already given your view on the ownership question but have never shared how you came to that conclusion. I note that you have commissioned a review but forgive me for my doubts, but how can officers working to your brief be considered independent? As they are not seeking information from me, they are destined to remain ill-informed of the full facts and if so the issue will remain unresolved as far as I am concerned.

I am struggling with emails as I only have the left hand to type with. It is better that you call the house phone if needed [REDACTED]. You can leave a message.

I will be back in touch shortly to confirm the meeting.

Yours sincerely

Dorothy Hayes

Cllr Mrs Dorothy Hayes MBE

From: [Sanjay Prashar](#)
To: [Cllr. Dorothy Hayes](#)
Subject: RE: Complaint - Code of Conduct (Private/Confidential)
Date: 09 August 2024 09:43:00

Dear Councillor Hayes,

Further to our previous correspondence please be advised that I have spoken to the Independent Person who has endorsed my decision to refer the complaint to a Code of Conduct Panel. I have asked Democratic Services to make the necessary arrangements and they will no doubt be in contact with you in due course to confirm the process and to ascertain your availability.

Thank you for your co-operation

Yours sincerely

Sanjay Prashar

From: Sanjay Prashar
Sent: Monday, August 5, 2024 5:12 PM
To: Cllr. Dorothy Hayes <Dorothy.Hayes@bracknell-forest.gov.uk>
Subject: RE: Complaint - Code of Conduct (Private/Confidential)

Dear Councillor Hayes,

I do not intend to be drawn into further protracted correspondence with you on the matter. The contents of your recent emails are unequivocal in their demonstration of your position.

As I have already indicated I will pick up the issue of the poppies with you under separate cover.

With regard to the third item, having now spoken to the Chief Executive I can confirm that you may now attend Time Square but that any contact with junior staff should be approved by an appropriate senior Officer with line management responsibility in the first instance (ie Assistant Director or above). Moreover I must specifically request that you do not attend the Third Floor North Office area until after any hearing to avoid coming into contact with the junior officer who was present at the time of the incident giving rise to the complaint.

The name of the Independent Person is Heather Quillish. I will ask her to email you with her details as soon as I have made contact with her.

Thank you for your co-operation.

Yours sincerely

Sanjay Prashar

From: Cllr. Dorothy Hayes <Dorothy.Hayes@bracknell-forest.gov.uk>
Sent: Monday, August 5, 2024 4:41 PM
To: Sanjay Prashar <Sanjay.Prashar@bracknell-forest.gov.uk>
Cc: Cllr. Dorothy Hayes <Dorothy.Hayes@bracknell-forest.gov.uk>
Subject: RE: Complaint - Code of Conduct (Private/Confidential)

Importance: High

Dear Sanjay

Thank you for your email which has come very late in the day and its contents come as a huge disappointment. You have totally misinterpreted the contents in my email. I am not and have never disputed the conclusion in the Lingard report. I am merely saying that the process by which we have got to this stage is now largely irrelevant. I admit that the use of certain language was wrong and I am very willing to apologise again. I have also commented on how I will endeavour to avoid such situations in the future. That is what I would have thought we would have wanted to focus the discussion on, i.e. going forward. That surely should be a shared objective.

As to the poppy issue all we need to do is to agree a process to resolve the confusion that has been highlighted. Surely, it would be better to have a discussion about this and why I think the decisions to date about their ownership is wrong.

The third item is in respect of the decision by Ms Halliwell that the nature of both complaints justified the actions she took. Surely, you can recognise that this conclusion was wrong and all I am trying to do is to find a way to resolve everything informally. That advice has not been rescinded and that has and continues to impinge my ability to perform my duties as a Councillor. I note that your plan was to have a discussion with her but I would have hoped that this could have been after our informal discussion.

I would ask that you reflect on your decision not to have an informal meeting but to escalate the matter further. If that is your intent then as per Para 1.3 of the Code please provide me with the details of the Independent Person with whom you have been consulting about this matter.

Yours Sincerely

Cllr Dorothy Hayes MBE

From: Sanjay Prashar <Sanjay.Prashar@bracknell-forest.gov.uk>
Sent: Monday, August 5, 2024 4:07 PM
To: Cllr. Dorothy Hayes <Dorothy.Hayes@bracknell-forest.gov.uk>
Subject: RE: Complaint - Code of Conduct (Private/Confidential)

Dear Councillor Hayes,

Thank you for your email below and your earlier communication of 24 July. I am sorry to hear that you are still experiencing pain from your recent injury and wish you a full and speedy recovery in that regard.

Turning to the substantive issues raised in you two emails I must express my disappointment at some of the content. When I wrote to you on 23 July I advised that I was seeking a meeting to achieve an informal resolution in this matter given what I considered to be elements of contrition on your part relating to the complaint as well as an understanding of why the investigator had reached the findings that he did in his draft report.

However, since then you have made assertions which seek to impugn the integrity of the process and

serve to undermine my role and that of the investigator. Moreover you have made a number of unfounded allegations against the Chief Executive.

These, individually and cumulatively lead me to believe that you remain convinced that your conduct can somehow be excused on the basis that it was just banter. Such a position is not consistent with the expectations of the Code, the Nolan Principles and the Council's Member-Officer Protocol, all of which, expressly or impliedly, require you to act with Courtesy in your dealings with Officers.

In the circumstances, I have taken the decision to withdraw my offer of a meeting. I will instead be liaising further with the Independent Person (IP), and seeking her views on referring the complaint to a Code of Conduct Panel in order that a final determination on whether you have breached the Code can be made by a Panel of your peers. In the event that the IP agrees with my intended approach I will contact Democratic Services to arrange a hearing at which you will have an opportunity to make representations.

I am sorry to have to take this approach. My primary focus in overseeing this process is to ensure that through the Standards Framework the Council fosters an approach to ethical standards which encourages all Councillors to adhere to expected Standards of behaviour. Where a Councillor has fallen short of those standards I would in most cases endeavour to seek an informal resolution where there is evidence that the Councillor concerned has recognised the existence of a breach of the Code and the reasoning behind such a finding. I am no longer satisfied that this is the case.

Turning to your attendance at Time Square I will liaise with the Chief Executive to establish when her direction for you not to attend the building will cease to apply. I hope to provide you with confirmation in the next few days.

Finally, with regard to the issue of the poppies, I intend to write to you on that matter under separate cover.

Yours sincerely

Sanjay Prashar

From: Cllr. Dorothy Hayes <Dorothy.Hayes@bracknell-forest.gov.uk>

Sent: Friday, August 2, 2024 2:39 PM

To: Sanjay Prashar <Sanjay.Prashar@bracknell-forest.gov.uk>

Cc: Dawn Bowen <Dawn.Bowen@bracknell-forest.gov.uk>; Helen Durbin <Helen.Durbin@bracknell-forest.gov.uk>; Cllr. Dorothy Hayes <Dorothy.Hayes@bracknell-forest.gov.uk>; Cllr. Dorothy Hayes <Dorothy.Hayes@bracknell-forest.gov.uk>

Subject: Complaint - Code of Conduct (Private/Confidential)

Dear Sanjay

I assume that you are now aware that your PA's emailed/called me and we have agreed to a meeting for 10 am, Tuesday 6th August and that your PA has booked the "Council Chambers" in Time Square for us.

I am not entirely sure how I will get to the offices, as I am still not allowed to drive following my accident. My shoulder is taking a lot more time than I would have hoped for, and even now the pain is only controlled by medication. I am hopeful that Colin Dudley will agree to bring me as

my family are away. I am also going to ask him to accompany me as an “observer”. I find this whole matter so upsetting that I need him for emotional support and to help me, and thereby us, keep things in perspective and relevant to the key matters to be addressed. I assume that this will not be an issue for you.

From my email of the 24th, I hope that it is clear that I remain very unhappy about the way that both complaints have come about and been handled. Whilst the Investigator made no effort to confirm several matters from my perspective, I maintain that my comments to Max were part of a ‘banter’ that he was an active party to. This banter probably was of a style that arose from us having had a long-standing working relationship and which had become unintentionally too familiar. That is a learning point for me but whatever anyone else may think, whatever I said was not intended to be offensive and I still believe that no offense was taken. I also maintain that I apologised at the time which is one of the key points that was not explored. Certainly, if you feel the need I remain very happy to do “apologise” yet again. I would still like Max to have the farewell gift that I told/showed you that I had bought for him.

From my perspective, I don’t believe that the complaint from Damian can be set aside as you have indicated. It needs to be resolved but this does not need an “Investigator” to be involved. I maintain that the complaint has arisen from a misunderstanding by one of us and that this confusion cannot be resolved without consideration of the details that I hold. I am very willing to have that long overdue discussion and even to be proven wrong but not under the threat of there being an unresolved/set aside complaint.

Finally, whilst I feel that I have been bullied and bruised by a process that has been allowed to go on for far too long and which should have been resolved by face-to-face discussion, the one aspect that is most hurtful, even potentially libelous, is a direct consequence of the action taken by Ms. Halliwell who states in her email to me dated 19th April that “the nature of these complaints relate to inappropriate behaviours towards officers”. She came to this conclusion after becoming aware of Damian's complaint. It was a wrong conclusion. Damian complained that I had “used my position etc to secure some advantage”. Having come to this conclusion she then “suggested” that I stay away from Time Sq and the depot and only talk to Executive Directors. As her statement to Mr. Lingard makes clear her suggestion was in effect an “expectation”. She also informed others within the Council and the “existence” of that restriction on me filtered down into the organisation and to our contractors at the depot. This wrong needs to be addressed and the “ban” on me lifted.

Yours sincerely

Dorothy
Cllr.Mrs. Dorothy A.S. Hayes MBE

From: [Sanjay Prashar](#)
To: [Sanjay Prashar](#)
Subject: Fw: Amendment - Independent Person - Complaint
Date: 11 November 2024 15:54:24

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From: Sanjay Prashar
Sent: 09 August 2024 11:53
To: Cllr. Dorothy Hayes <Dorothy.Hayes@bracknell-forest.gov.uk>
Subject: RE: Amendment - Independent Person - Complaint

Dear Councillor Hayes,

Thank you for your email. I note the contents and would like to reassure you that you are under no obligation to seek the views of the Independent Person or indeed within any timescale. The legislation simply states that her views may be sought by you. I will leave it for you and her to agree an appropriate date and time at your mutual convenience.

Yours sincerely
Sanjay Prashar

From: Cllr. Dorothy Hayes <Dorothy.Hayes@bracknell-forest.gov.uk>
Sent: Friday, August 9, 2024 11:25 AM
To: Sanjay Prashar <Sanjay.Prashar@bracknell-forest.gov.uk>
Cc: Cllr. Dorothy Hayes <Dorothy.Hayes@bracknell-forest.gov.uk>; Cllr. Dorothy Hayes <Dorothy.Hayes@bracknell-forest.gov.uk>
Subject: FW: Amendment - Independent Person - Complaint

Dear Sanjay – please note below – I have now contacted by email the Independent Person today, as had a Councillor Funeral and busy 2 days with Council Work/hospital, and as you can appreciate you only supplied the name after many requests, by me, over the last 4 months, late Monday afternoon. I was then contacted Tuesday, unfortunately first was incorrect mailing address, and second came at time shown below. So have had no discussion yet with Ms. Quillish.
Kind regards

Cllr. Mrs Dorothy Hayes MBE

From: Heather Quillish <[REDACTED]>
Sent: Tuesday, August 6, 2024 5:51 PM
To: Cllr. Dorothy Hayes <Dorothy.Hayes@bracknell-forest.gov.uk>
Subject: Amendment

CAUTION: This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.

Dear Councillor Hayes

My sincere apologies for the incorrect clarification of my email address. It should read

[REDACTED].
Regards

Heather Quillish

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Councillor complaint [OFFICIAL-SENSITIVE]

Case reference: BFC/1129517

Councillor details

Name: Cllr Mrs Hayes **Council:** Bracknell Forest Council

Complaint details

How has the councillor's behaviour breached the Code of Conduct?

By failing to treat me and/or others with respect

Please provide us with details of your complaint:

Towards the end of March it was reported by Max Baker, recently retired Assistant Director: Planning, that he was witness to inappropriate behaviour in Time Square exhibited by Cllr Hayes. He reported, "My recollection is that [REDACTED] spotted her heading towards us and said to me something like 'look out Dot's coming'. Dot then came up to us and said "watch it or I'll kick your fucking head in" which may have been directed at me but could have been at [REDACTED]. She then said that she knew how to lip read. After that she started talking about planning matters for a bit and then left."

It is believed that this behaviour has breached the code of conduct in multiple ways;

- (i) Not treating others with respect
- (ii) Bullying or harassing a person
- (iii) Bringing the Council into disrepute

The subject of the behaviour is a junior officer who does not wish to raise a formal complaint. Given the seriousness of the incident, it is being progressed on behalf of staff in the organisation by the Head of Paid Service.

Witnesses

Name: Max Baker **Address:** **Email:** [REDACTED] **Phone:**

Customer details

Title: Mr

First name: Stuart

Last name: McKellar

Address: ,

Email address: stuart.mckellar@bracknell-forest.gov.uk

Phone number: [REDACTED]

Would you like your identity to be kept confidential? No

Please tell us why you would like us to withhold your name from the complaint:

Please tell us which best describes you:

Other council officer or authority employee