

**CODE OF CONDUCT PANEL  
10 DECEMBER 2024  
9.37 - 11.40 AM**



**Present:**

Councillors Allen, Haffegge and Karim  
Diana Anderson, Independent Co-Opted Member of Governance & Audit Committee (non-voting member)

**Also Present:**

Councillor Hayes, Subject member  
Mr Colin Dudley, Subject member's representative  
Sanjay Prashar, Monitoring Officer  
Richard Lingard, Investigating Officer  
Heather Quillish, Independent Person  
Donald Adams, Legal Advisor to the Panel  
Lizzie Rich, Clerk

**7. Election of Chairman**

**RESOLVED** that Councillor Nick Allen be elected Chair for the meeting.

**8. Apologies for Absence**

There were no apologies for absence.

**9. Declarations of Interest**

There were no declarations of interest.

**10. Code of Conduct Panel hearing procedure**

The Code of Conduct Panel hearing procedure was noted by all parties.

**11. Representations from the Monitoring Officer and/or Subject Member as to whether any part of the hearing should be held in private**

The Panel adjourned to hear representations from the Monitoring Officer and Subject Member on whether any part of the hearing should be held in private.

The Panel noted that although information relating to an individual and/or likely to reveal the identity of an individual is a ground for exemption from disclosure under Schedule 12A of the Local Government Act 1972, where the public interest in maintaining that exemption outweighs the public interest in disclosing that information, neither the Monitoring Officer nor the Subject Member made any submission for the hearing to be conducted in private session, or for any of the documents within the agenda pack before the Panel to be withheld from the public domain in their unredacted form.

The Panel determined that, in the interest of transparency and because the matter before it concerned the standards and conduct of a publicly elected Councillor, the

public interest in removing the exemption from disclosure outweighed the public interest in maintaining it.

Therefore, it was agreed that the Panel Hearing should proceed in public session and all agenda pack documents before it be released in the public domain in their unredacted format.

## 12. **Panel consideration of complaint**

The Code of Conduct Panel met to consider a complaint which had been brought against the Subject Member, Councillor Hayes, and to determine whether Councillor Hayes had breached the Bracknell Forest Council's 'Code of Conduct for Councillors and Co-Opted Members'.

The Panel considered reports from the Monitoring Officer and Investigating Officer, as well as both a written statement read aloud by Councillor Hayes's representative, Mr Colin Dudley and further oral submissions raised on her behalf. There were no witnesses called by any party.

Councillor Hayes accepted that she had used inappropriate language and agreed that this could constitute a breach of the Code of Conduct. However, Councillor Hayes's statement stressed there had been no intent on her part to cause offence and that she had apologised for her behaviour to those present at the time.

Councillor Hayes's submission and statement raised concerns around procedural issues relating to the conduct of the investigation process, rather than seeking to rebut the allegation itself.

Panel members asked questions of the subject member, investigating officer and monitoring officer.

Prior to deliberating in private, the Panel sought the view of the Independent Person, Ms Heather Quillish, on whether Councillor Hayes had breached the Code of Conduct. Ms Quillish confirmed that she agreed that there had been a breach of the Code of Conduct, and that such language was not appropriate in any context.

After consideration of all written and oral submissions, the Panel decided, on balance, that Councillor Hayes had breached Bracknell Forest Council's 'Code of Conduct for Councillors and Co-Opted Members' as detailed in the Investigating Officer's report and that by Councillor Hayes's own admission, inappropriate language had been used in a threatening context in conversation with a Council officer.

Having determined that a breach had occurred, the Panel invited submissions from the Monitoring Officer, Councillor Hayes and Ms Quillish on the issue of whether sanctions should be applied and, if so, what appropriate form they should take, before the Panel then retired to deliberate the issue of sanctions.

After careful consideration, the Panel determined to impose the following sanctions upon Councillor Hayes in respect of the found breach:

1. The Council is to issue of a press release as to the Panel's findings.
2. Councillor Hayes is to issue an open written letter of apology to the complainant (the Council's Chief Executive, Susan Halliwell), Mr Max Baker (since retired Council Officer) and to Council Officer (A) as referred to in the

agenda pack. Such letter is to be published by the Council in the public domain.

3. Councillor Hayes is required to attend suitable behaviour training as to be arranged and approved by the Council's Monitoring Officer.
4. The matter is to be referred to Councillor Hayes's political party whip in order that the political group may consider what action to take under its own procedures.

The Panel determined these as being reasonable and proportionate sanctions when considering the facts as found, the submissions raised by the parties including mitigation raised by Councillor Hayes, and the need to uphold the public accountability of elected Councillors.

A full list of the recommended sanctions were detailed in the Decision Notice which would be sent to the complainant, Councillor Hayes and the Council's Monitoring Officer.

**Chair**

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## Code of Conduct Panel

### Record of Decision

Tuesday 10 December 2024

<b>MATTER FOR CONSIDERATION</b>
Determination of a complaint against Cllr Hayes, a Borough Councillor
<b>DECISION MADE BY</b>
Code of Conduct Panel – Sub-Committee of Governance & Audit Committee  Cllrs Allen (Chair), Haffegge, Karim and Diana Anderson (non-voting independent co-opted member)
<b>DECISION</b>
Cllr Hayes, Bracknell Forest Council, breached the Bracknell Forest Council ‘Code of Conduct for Councillors and Co-Opted Members’ by using inappropriate language to a council officer.
<b>SANCTIONS IMPOSED</b>
<ol style="list-style-type: none"><li>1. The Council is to issue of a press release as to the Panel’s findings.</li><li>2. Councillor Hayes is to issue an open written letter of apology to the complainant (the Council’s Chief Executive, Susan Halliwell), Mr Max Baker (since retired Council Officer) and to Council Officer (A) as referred to in the agenda pack. Such letter is to be published by the Council in the public domain.</li><li>3. Councillor Hayes is required to attend suitable behaviour training as to be arranged and approved by the Council’s Monitoring Officer.</li><li>4. The matter is to be referred to Councillor Hayes’s political party whip in order that the political group may consider what action to take under its own procedures.</li></ol>

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