



DERBY CITY COUNCIL

## STANDARDS COMMITTEE 18 SEPTEMBER 2007

Report of the Corporate Director of Corporate and Adult Services/  
Monitoring Officer

### Allegation of Breach of Code of Conduct

#### SUMMARY OF REPORT

1. This report updates members on the progress of the investigation into a complaint that Councillor Harbon has broken the Members' Code of Conduct by allowing her partner to use the Council's email and IT systems.

#### RECOMMENDATION

- 2.1 To consider the position reached with the investigation.
- 2.2 To determine what further action should be taken.

#### MATTER FOR CONSIDERATION

- 3.1 Members of the Standards Committee were informed on 22 May 2007 that the Standards Board has referred a complaint against a member for investigation by the Council.
- 3.2 I appointed Alison Jones, IT Security/Data Protection Officer, as the investigating officer. We anticipated the investigation would be completed by 13 July 2007.
- 3.3 As part of her investigation Alison Jones, together with Andrew Thomas, Principal Solicitor, arranged to interview Councillor Harbon on the allegations at her home. Quite early in the interview Councillor Harbon became distressed and the interview had to be discontinued.
- 3.4 Alison however continued with her investigation and produced a draft report which was sent in early August to Councillor Harbon for her comments. No response has been received by Alison Jones. I have also written, on 3 and 10 August, to Councillor Harbon informing her that, as the draft report concludes that it appears she has broken the Code of Conduct, I have to arrange a meeting of the Standards Committee to conduct a hearing into the allegations. I have received no response to these letters.

- 3.5 However, on 5 September, I telephoned Councillor Harbon and had a short conversation with her. She said "I'm on sick leave and can't cope with answering questions". Then she broke down and the conversation had to be curtailed.
- 3.6 I attach two emails sent by Councillor Harbon to Council officers dated 3 and 5 September. The one of 5 September indicates that she is in receipt of "a new sick note for three months". She seems to be saying that she is too unwell to attend any hearing.
- 3.7 The Standards Committee can conduct a hearing into allegations against a member in the absence of that member if it is reasonable to do so. However, this is far from satisfactory and should only take place in exceptional circumstances.
- 3.8 I would invite members to consider the position and determine what should happen next.

For more information contact:	Michael Foote Tel 01332 255448 e-mail 01332 256232
Background papers:	None
List of appendices	Appendix 1 – Implications Appendix 2 – Email from Councillor Harbon dated 3.9.07 Appendix 3 – Email from Councillor Harbon dated 5.9.07

<b>IMPLICATIONS</b>
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**Financial**

1. None.

**Legal**

2. The Standards Board can designate cases to be investigated and dealt with by Local Authorities. In exceptional circumstances, including where a member does not co-operate in an investigation, the Standards Board can be requested to take a case back.

**Personnel**

3. Investigators into complaints do this in addition to their normal prescribed duties.

**Equalities impact**

4. None.

**Corporate Priorities**

5. None directly relating.

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

**From:** Harbon, Wendy

**Sent:** 03 September 2007 10:18

**To:** 'DHMmail@dh.gsi.gov.uk'; 'rowenp@parliament.uk'; 'harperm@parliament.uk'; 'ministers@dwp.gsi.gov.uk'

**Cc:** 'susancecilia.carson@ntiworld.com'; 'gemmaroulston@uwclub.net'; 'enquire@cravenpublishing.co.uk'; 'kgreen@derbytelegraph.co.uk'; 'katharint.quarmby@scope.org.uk'; 'radio.devon@bbc.co.uk'; 'CentralNewsEast@itv.com'; 'first@lga.gov.uk'; 'info@dailymailadvertising.co.uk'; 'watchdog@bbc.co.uk'; Webster, Ann; 'laurence.singer@homeretailgroup.com'

**Subject:** Reference substandard/counterfeit grab rails and disabled scooters requiring road fund tax disc and to be displayed on not just disabled scooters but maybe electric wheelchairs too?.

Following on from our e-mail of 30-08-07, to the Minister of Health and MHRA, as well as for the attention of both Tim Farron M.P. (i.e. again for the attention of Kendal, Penrith, Carlisle Councils & Cumbria County Council), and Mr Jim Carroll of Fife Council, plus copies to Conservatives and Lib Dem's Shadow Minister's..

Basically the reason for our latest e-mail to you, there has been a new development in these questionable grab rails or substandard and/or possible counterfeit ones, this being as MHRA OFFICIAL said, if they know who is selling them, where they are coming from, or who is wholesaler and/or importer, then MHRA could act, we may not of found where substandard grab rails come from in either East Coast Scotland and Cumbria, or in Lancashire and the North West, though what we have found may help, or give MHRA some starting points for their investigation, equally for DRC and HSE plus local authorities health and safety officer's, lastly Trade Standards officer's too.

This being on our own, we tried to see if we could find any of these questionable grab rails were for sale locally in the Blackpool area, or the ones being sold via private retailer's actually meets government standards, what we found may shock you all, this being we visited B&Q, Wickes and Focus DIY outlets in Blackpool, as all sale these grab rails nationally, either as their own brand and/or from other suppliers / makers, not one of these companies or DIY outlets grab rails, have the required makers mark, date of manufacture or official safety mark, they appear to be of a substandard material and manufacture, neither does the packaging and/or boxes they come in, give any real information either.

The likes of do they meet British Government and/or EU safety standards, or not one of these three DIY in fact actually give no information on load capacity as they should, that was national chain outlets products meet so called standards.

Neither did their own staff when questioned, could supply any better information, they all said we would have to ask head office, all these grab rails, where we could see country of manufacture, seems to be made in either China and/or Taiwan.

The point is there is no way of knowing if these are safe, for disabled use and/or no way of knowing who is buying these, or who maybe fitting them, or where they may have then been fitted?.

For example local private as well as council run care homes, so the Care Commission needs to be informed of this national problem over these questionable grab rails, let alone are grab rails actually being fitted correctly, and/or fitted onto the right type of wall etc?.

Equally they could be being used in private guest houses, small hotel's and other types of holiday accommodation for the disabled, let alone national hotel chains.

Similarly being fitted and used in private homes, not just in Blackpool but anywhere in the Country?.

We therefore believe, there is a clear and present danger to public safety, from these questionable and unmarked grab rails, with no official markings on them.

Being sold by B&Q, Focus and Wickes nationally, equally we have no reason not to believe, we or others would not find similar questionable grab rails, on sale at other local, regional and/or national DIY outlets?.

Though there must be equally questions, over grab rails being sold, by so called disabled retailer's?, that is again across the country too!.

If these faulty and dangerous grab rails, have broke all over the country in public authorities and organisation's own disabled toilets, in other words from council's in Scotland down to the South Coast of England, and from East Coast of Norfolk to the West Coast of North Wales, where David has travelled on his national disability survey, now covered over 32,000 miles and with over 228 grab rails failing on David, three just on Saturday last.

One at Tamworth Castle, at military event held there, involving a public disabled toilet belonging to the borough council there.

The next was on the way to Derby or just outside, at a Welcome Break motorway service area, again in another disabled toilet.

We are going to check with senior management ourselves we know, that is at Argos and Home Base, who are both retailer's of disabled item's and these grab rails, as well as now actually check on one of their DIY outlet in Derby, where one of these questionable grab rails, not only came off the wall, but the wall gave way too, early this year on David

Though third grab rail to fail on David, was guest where at this Home Base DIY centre in Derby, involving the very same disabled toilet, where it had come off early in the year, this time the grab rail is coming loose because wrongly fitted again, also again no grab rails in this disabled toilet had any markings, as did many in the other two disabled toilets David had problems with on Saturday either, though again the grab rails for sale in Derby Home Base, do not have officially marking either?.

Neither did grab rails in a public house in Derby, but the fold down grab rail was of questionable standard, though it had been fitted properly as David had advised them on how too, after their had come off three times in as many months early this year too.

Therefore as in Scotland and the North West of England, here to in the East and West Midlands, there are these questionable grab rails, so council's here to will have to act, along with will the regional and national authorities, David has already been put in hospital by these questionable grabs rails, once in an Asda in Blackpool then in the last month in Scotland from a grab rail coming off in a Whitbreads hotel.

We similarly are now asking of the Minister for Health and MHRA, DRC and HSE, as well as all local authorities the best we can, will they now investigate this latest development in this worrying situation, David and then I have been pointing out and raising awareness about this, or over these questionable grab rails, for now 15 months with the likes of MP's, the Government, political parties plus public and private organisation's of all types, as well as with the news media and disabled charities too.

Because where these DIY retail outlets, are getting their questionable grab rails from, maybe the same place council's and NHS Trust's and others like Whitbreads, Moto and Asda etc, have been buying their from too.

If these questionable grab rails have come off in Derby Police Station, let alone over 50 other places around Derby, the problem is everywhere, also I asked my own council to look into this problem and clearly failed to do it properly, as we are still finding these questionable grab rails in Derby!.

Though we must say, it only took us 90 minutes and maybe ten miles of driving around Blackpool, to check on these three named DIY retailer's, was all we had to do, does the disabled unpaid, have to do all the work for the government, we are wondering?.

Because we now find out disabled civilian and military charities (i.e. RBL), maybe selling grab rails through their own magazines etc, to their own membership and/or disabled people, along with there are these companies offer full fitted disabled bathrooms and toilets, for disabled peoples own homes, how good are these grab rails or are they up to standard?.

As we have found no grab rails on sale via DIY retailer's, to have proper instructions or how to fit them and/or information on load bearing capacity, as for the fitting's to mount them on the wall, let say we would not use them to hold up a picture, let alone trust them with our body weight!.

For Jim Carroll personal attention, we tried to phone you but could not get any answer, if you do still have this snapped-of grab rail, which was returned to Prime Minister Gordon Brown MP own local office, by the local

disabled group for us, could you send it to the MHRA office in Bispham, Blackpool, that is along with the paper trail for it or goes with it from the council toilet where it broke, back to the local supplier, then the wholesaler and the importer etc, or call us on our mobiles.

Though with DRC, actually issuing a case number to this problem of these grab rails, all events and reports of these will hopefully be centralized?.

But still the Minister of Health and other Minister's, with the help of Shadow Minister's from the other two parties, have to come up with some joint action plan now?.

Though the likes of the Conservatives, may have to deal with these bad disabled toilets and questionable grab rails sooner, why because David has had to fill an official complaint against the Winter Garden's in Blackpool, all it's disabled toilets were substandard and unsafe, in fact one grab rail came clean off the wall, with two others were coming off, one in each of the other two disabled toilets, most grab rails had no marking, the disabled alarms, were either not working, tied up or out of reach and no good to a disabled person in an emergency, they were even questionable space provided for wheelchair user's too, no facilities in case of an emergency for the deaf or blind, the list goes on and on, David has official requested the Winter Garden should be officially closed by the council and Fire Rescue Service until work could be carried out to these faults right too.

With the Conservatives holding their party conference in Blackpool, only days or weeks away, we are just glad we are not disabled conservatives!.

On the other matter, this being with regards disabled scooter user's, now requiring to display road fund tax disc on these electric scooter's, it seems the police we are told are already stopping disabled people, in the street and asking to see these, but these officer's don't know one type of scooter from another, so are worrying disabled people needlessly at present.

But the problem may get a whole lot worst, as David has been directly talking with DVLA official's, who are asking David for his help again, also one of his charities has sent him what information they have on this.

The problem is DVLA don't really know how to handle this bad situation cased by a Daily Mail reporter at the end of last year, the only thing is we and it seems DVLA are glad this reporter has no real idea how bad the situation is, because it is not only class three disabled scooter's that are effected, but any scooter and/or electric wheelchair could be effected, if politician's do not do something or act?.

There is the problem politician's it seems don't know anything about this, any more than the disabled themselves, as for disabled charities each seem to know different things, also concern is growing public and private organisation's, have and own these disabled scooters and electric wheelchairs, then provide them for public use in public places (i.e. where other vehicles travel and people walk), also the likes of DVLA believed there were something like 250,000 of these scooters, now they been told there could be over TWO MILLION OR UPTO THREE MILLION, ELECTRIC SCOOTER'S AND/OR WHEELCHAIRS, that could meet the terms of very old traffic vehicle law, this Daily Mail reporter pointed out there were 250,000 unlicensed vehicles on our roads (i.e. disabled scooters).

If every user of these scooter's and wheelchairs tried to register them at once DVLA would break, it' having enough problem trying to cope at it is to register the present levels coming in, let alone answer all the questions the disabled have, the other question is DVLA cannot afford to register maybe 2 to 3 million, especially as at present these road fund tax and so called vehicle registration for these disabled scooter's / wheelchairs is free, but for how long if the cost of this goes up and up ?.

There stupid things like these scooter's don't have number plates, or vin numbers as such to ID them, or where do you place a number plate if they need one, let alone a tax disc holder, or will they need MoT's, or full insurance or their user's requiring a driving test for an electric wheelchair etc, the stupidity just could go on and on, because traffic vehicle law, when drawn up was never meant or was thought about cover the likes of electric scooter's and wheelchairs.

But charities tell us the likes of RBL official's, they have got or were given an understanding from the government, there will never be a charges made on the disabled and elderly user's of these?.

If there was a change in policy by the government on charging, then there would we are told a major backlash from the charities, let alone the disabled !.

But the Prime Minister Gordon Brown is going to have to find the money from somewhere for registering these disabled scooter's, because DVLA officer's are say their present budget did not allow for registering possible 2 to 3 million disabled scooter's / wheelchairs, even their own DVLA forms are not set up for the disabled peoples own needs and/or these scooter's with regards information on them etc.

Then there is the question of three different government departments it seem, all clarifying these disabled scooter's differently ways, for different reasons.

With DTI and DoT own websites having differing information on the situation, then the Treasury doing something totally different it seems and wanting to re-class them, as basically golf buggies for able bodied use, so they can charge VAT and high import duties etc on them it seem from October 2007, as result of official's trying to claim these disabled scooter can be used by non-disabled people, therefore the disabled must pay vat on them now for some reason?.

The situation is in such a mess, the disabled and elderly, or those who are chronically ill, let alone parents with children with special needs, all user's of these scooter's and electrical wheelchairs, just do not knowing whether they are coming or going, or just because no one officially (i.e. the government) has told them anything, out of ignorance are actually breaking the law, right now!.

This Daily Mail reporter, whether knowingly or not, has caused a major problem, both I and David seeing this now, coming back and biting the government at all levels and all political parties, plus politician's at all levels too, right squarely in their combined political backsides.

Also just around the time of the general election will be happening and therefore losing someone, or party a great deal of votes as a result of miss handling this situation too, as will this growing problem of these grab rails too, if someone does not deal them either?.

But still the Minister of Transport and other Minister's, with the help of Shadow Minister's from the other two parties, have to come up with some joint action plan now?.

As we are only in Derby for a day basically, before travelling on with this disability survey, so I can see my doctor over my disability from an accident I was involved in, while on official duty as a Lib Dem Derby City Councillor, and member of the adult health and social services committee, actually visiting Derby City New 300 million plus hospital, and was hit by a delivery lorry in hospital grounds, due to the fails and mistakes of the hospital and my own council, I have been left without compensation as my own council does not insurance it seems it's own councillor's, then because of more mistakes by my council again and DPW, I have not been paid any benefits since the accident either, lastly the Lib Dem's of Derby throw me out of the party on to say the least questionable charges, to cover up their own failures in my accident and not supporting an injured politician and member of the party who became disabled.

Though both I and David are still member's of Lib Dem's Disability Association Committee, and maybe two hardest working member's for disabled people everywhere.

the best where to contact us is via our mobiles, these being 07765-707215 or 07718-331-088, or by email to either of the two address which follows  
[susancecilia.carson@ntiworld.com](mailto:susancecilia.carson@ntiworld.com) [or] [gemmaroulston@uwclub.net](mailto:gemmaroulston@uwclub.net)

P.S. Sorry if there is any mistakes in the email, please allow for me becoming disabled and operating a computer is not easy, as it seems I am to disabled for Derby

City Council to provide properly for a disabled councillor, it seem they never heard of Prof Stephen Hawking and I am nowhere as disabled as he is!.

**From:** Harbon, Wendy  
**Sent:** 05 September 2007 19:13  
**To:** O'Brien, Phil  
**Cc:** Leeming, Frank; 'kgreen@derbytelegraph.co.uk'; 'westminster\_office@mingcampbell.org.uk'  
**Subject:** RE: Councillor Training/Development Day - Thursday 20 September

Thank you Phil, but I am still on sick leave and not up to coming to a training day, as I am now waiting for an appointment to see a specialist, over my injuries and ill health, a new sick note for three months has been issued, the council will get a copy in the post shortly, David is taking me back to Blackpool, to look after me.

Would you please tell the likes of Michael Foot, I am not unto this abuse from him or anyone, if the Standards Board want me, get my doctor's medical agreement first or leave me alone, or take it up with David's lawyer's in London.

If it does not stop, we will file more charges with the Ombudsman for Local Government etc.

Because this accident while on official duties for Derby City Council, has left me disabled and injured, cost me my full time job, with no money expect for councillor's allowance coming in, because no benefits are being paid, as DWP are still waiting on you the council over this question of insurance, as no one believe the council does not have or should not provide insurance cover, as other council's do basically.

You have caused me to be in debt and risk of loosing my home, especially for over charging for council tax when in my present position, I should be not charged, is the council going to pay this back.

Let alone been driven out of the Lib Dem's locally on drum up charges, because of Conservative and Labour attacks on me and David, because of nothing more than disabled hatred and bigotry it seems from all three parties locally.

While clearly those involved, trying to drive me an injured / disabled person over the edge mentality, with harassment and abuse, it has cost me my family by the likes of councillor's calling them and lying to them to turned my own family against me.

The only person to support me and look after me, is the very person Derby City Council and it councillor's attack wrongfully every time they get the idea to stick the boot in, if it was not for David and those in the military who have become my friends, through David families to, Derby City would have a dead councillor, by now is that what all Derby City Councillor's want, the only friend I have is Cllr Frank Leeming, and is the only one to show me any kindness.

To close what the council may not know, is David has filed official complaints and asked for compensation against,

Lloyds TSB, Halifax, Britsih Gas, British Telecom, United Utilities, Blackpool Borough Council, The Department of Health, as well as The Department for Works and Pension,.

For million's of pounds, the case against Lloyds TSB alone is for over £3,102,000 and for Halifax alone is for over £1,730,000, for disabled discrimination, he has not got round to Derby yet, or political parties for their own disabled discrimination, also we have a meeting with the Minister for the Disabled over this and others too.

As abuse of the disabled has to stop, by both public and private organisation's alike, David now drawn that line the ombudsman's for the above and DRC, now has to decide who side they are on, the abuser's or the victim's !, I already know which said Derby City Council and most of it's councillor's are on.

With David aim, to give most of the compensation away, to disabled charities and good causes, to help other disabled peoples rights be protected, from abuse, it does not lave much room for the abuser's does it ?.