

Conduct, Behaviour & Ethical Standards

ADJUDICATION PANEL DECISIONS

The Institute of Public Finance Better Governance Team provides a cumulative summary of decisions by Case Tribunals formed from the Adjudication Panel. The summaries are brief and succinct and designed primarily to advise Monitoring Officers and members in a quick and readable form of the key points in what are considered to be the more far-reaching decisions with possible implications for other authorities.

The summaries are not a substitute for reading the whole report on the Adjudication Panel website but are intended to be a helpful alert to circumstances which may be relevant to forthcoming events in readers' own authorities or current practices, or the absence of them, in their own authorities.

CONFIDENTIALITY

Milton Keynes 293

Complaint related to the sending by the Council Leader of a report about the conduct of a Councillor in another party to that Councillor's employer. Paragraphs 3(a), 4 and 5 were considered but the Tribunal did not find that any of them had been breached.

Westminster 241

The Leader of the Opposition had disclosed to the media information marked "confidential" in emails from the Monitoring Officer. The Councillor and the ESO were represented by Queens Counsel and put before the Tribunal a considerable exposition on the law relating to confidentiality and Articles 10(1) and 10(2). The Tribunal recorded its detailed analysis of the balancing act required between freedom of expression and confidentiality rights. The Tribunal concluded that the councillor was not acting in the public interest and had breached paragraph 3(a).

Decision - No sanction due to several mitigating factors.

West Somerset 222

Councillor breached 3(a) of code by disclosing information about officer salaries given to him in confidence.

Decision – 3 months' suspension.

Recommendation – Council should consider how it can develop more co-operative and effective ways of working between members of different political groups and from different parts of its area, and as between members and officers of the Council.

Forest Heath 219

Councillor disclosed confidential information that had been included as an exempt item at a committee meeting and brought office or authority into disrepute by disclosing confidential information and allowing 2 journalists to listen on speakerphones while being interviewed during the ESO investigation.

Tribunal also concluded that inadequate guidance was given to councillor at meeting of full council and that subsequent action, or rather inaction, of chairman of meeting and his advisers led to there being a debate of confidential matters in open Council. Tribunal considered that chairman should have moved the matter to the confidential part of the agenda straightaway or taken steps to close the debate. Situation made worse by Council's poor organisation of its paperwork for meetings. No contrition shown by councillor. Person whose details were revealed had been publicly humiliated.

Decision - 12 months' suspension

Recommendation - Council should urgently review its processes and procedures as they relate to the preparation of papers for and the conduct of council meetings so that a repeat opportunity for such disclosure can be minimised. Standards Board also recommended to issue further guidance to respondents before start of investigation outlining procedures and timetable and nature and status of interviews.

Gloucester 205

Councillor asked question at Council meeting about a severance agreement between a senior employee and the Council in spite of advice not to, and breaches of confidentiality, including a confidentiality clause, in the agreement. Tribunal found there was a breach of 3(a) but not 4.

Tribunal took into account that dissemination of information about the agreement to councillors could have been better handled by the Council, long record of good service, letter of support, and negative impact any suspension of active deputy leader would have on workings of Council.

Decision - Reprimand

Recommendation - All members of Council should receive training on the Code.

Lancaster 143

Report taken in private session in reliance on part 7 of schedule 12 to the LGA 1972. Councillor placed the information in the report in the public domain on basis that it was in the public interest, that not to have done so was a breach of paragraph 4 of code, and that confidentiality provisions in code did not apply to exempt information. Post facto justification was also pleaded.

Tribunal took into account inter alia fact that Councillor had received prior specific advice against action, no remorse shown; on the other hand, no harm caused, Councillor had good record and had openly admitted releasing the information.

Decision - 3 months' suspension

Shaftesbury 158

Council considered matter in private session but Councillor accused of disclosing information to public and media, some of which was subsequently shown to be already in the public domain.

Tribunal considered aspects of the process etc for resolving to go into private session; in the Tribunal's view, paragraph 3(a) of the code could not operate to prevent a councillor disclosing information, which should never have been kept from the public having regard to the terms of the legislation as demonstrated by paragraph 3(b).

Tribunal also considered that if information given in confidence has been improperly made public, this does not mean that it loses its confidential nature and can therefore be recited in public with impunity.

Tribunal considered Council had given inadequate consideration to basis on which public were to be excluded; no reasons were given in minutes.

Decision - No breach

Recommendation - District council to prepare guidance note for town council members on circumstances under which it is appropriate to exclude public and press and the procedure to be adopted.

Walsall 163

Case concerned unauthorised disclosure of confidential information re results of tendering exercise for sale of council land and alleged breaches of paragraphs 3(a), 4 and 5(a). The councillor put pressure on an officer to disclose; the officer had told only the successful tenderer of the results but this did not equate to placing the information in the public domain and no contract had been signed. The Tribunal applied tests laid down by Megarry J. to determine confidentiality.

The Tribunal refused a request that the hearing be cancelled, as the councillor was not standing for re-election in the imminent election as it considered such a cancellation would not be in the public interest.

Decision - 1 year disqualification

Recommendation - A procedure be adopted by the council for considering in appropriate cases any community benefit of the tenders as opposed to monetary consideration.

DISREPUTE AND DISRESPECT AND SECURING ADVANTAGE ETC

Rushcliffe 339

An Individual Voluntary Arrangement concerning the respondent had been in existence when he signed the code and he had remained in office in contravention of Section 80 LGA 1972. The ESO asked that the matter be declared not to be a code breach in view of developments since the case was referred. Case involves an insight into the developing law surrounding Section 80 and the effects on the code.

Decision - No breach

North Lincolnshire 325

The leader of the council had been convicted and ordered to pay substantial fines for offences relating to deposit of waste without a waste management licence. He had repeatedly ignored letters from the Environment Agency and his actions were in conflict with his council's environmental policy. Tribunal took into account several mitigating factors and the fact that he had already received a three month suspension for a matter that occurred concurrently with the above matters.

Decision - 3 month suspension

Whitworth 336

Town councillor was company secretary of a leisure company which ran the local civic park. Councillor was fined for a number of statutory breaches relating to failure to carry out his duties and as a result a loss of several thousand pounds was incurred by the council.

Tribunal took into account long service as local authority employee and councillor for nearly sixty years, and his unpaid work for the town council to rescue it from a difficult position after an official had absconded with £140,000 of public funds.

Decision - 3 month suspension

Sefton 346

Respondent was banned from driving by court for second time in three years having been found to be more than three times over legal limit.

Decision - 1 year disqualification

Blackburn with Darwen 344

Councillor convicted of offences involving selling food after “sell by” date and selling unlabelled goods at his grocery shop. The offences were absolute, took place over a short period of time, did not call into question the integrity of the councillor who had implemented steps to ensure no repetition and had reported himself. Tribunal did not consider that a reasonable person knowing all the facts would consider he had brought his office or the council into disrepute.

Decision - No breach

North Kesteven 343

Councillor convicted of drink driving had reported herself to officers. Several mitigating factors and substantial medical and bereavement factors.

Decision - Reprimand

Westminster 337

Councillor convicted of making benefit applications to her council without declaring councillor allowance.

Decision - 15 month disqualification

Wellingborough 332

Councillor had been convicted of using racially abusive and insulting language towards two members of the public.

Decision - 18 month disqualification

Slough 322

Relations between councillor and several junior and senior officers had broken down as result of disrespectful behaviour towards officers, sometimes in public, and disreputable behaviour including pestering female staff and making numerous unjustified accusations against officers over a period of two years. On many occasions he expressed himself in unacceptably rude and aggressive terms. Council officers and the Standards Committee chairman offered to help him, but he refused. He was a hard working councillor but behaved as if he was outside the Council and not subject to its rules and regulations.

Decision - 1 year disqualification

Lincolnshire 299

Former council leader accused of nine breaches of the Code as a result of actively seeking to remove the then Chief Executive by a pattern of behaviour intended to undermine, demean and demoralise him. After previously denying most of them, the councillor admitted them all on the final day of the hearing. Tribunal

emphasised sanction would have been much higher but for councillor's otherwise long and unblemished local government service and other mitigating matters.

Decision - 15 month disqualification

Birstall 326

Councillor persistently disobeyed chairman's rulings at meetings, refused to be quiet, and at two meetings had to be asked to leave by the police. Councillor had already been suspended for three months by Borough Council's Standards Committee relating to other matters.

Decision - 1 year disqualification

Sonning 324

Councillor breached 4, 7 and 13 of the Code in the way he misrepresented constituents' views on a planning application. Tribunal found that councillor had little understanding of the key issues, little understanding of the Code and misunderstood his role as a councillor. During the hearing, the councillor was warned that his conduct at the hearing was likely to constitute a breach of 2(b) both in the way he handled the case and referred to local residents and councillors, and the sometimes rude way he addressed the Tribunal.

The Tribunal had very grave doubts about the councillor's abilities to serve as a councillor on the parish or any other council and was much attracted to the sanction of disqualification suggested by the ESO's counsel, notwithstanding High Court guidance.

Decision - 12 months' suspension

Recommendation - Councillor to undertake intensive training in the Code and in particular into the role, responsibilities and duties of a councillor.

Redbridge 305

A two minute altercation took place in a post office between the shopkeeper and a councillor about a controversial road closure during which each gave as good as they got. In the context of long running local campaigns about the issue and in the absence of swearing or profane or discriminatory language by the councillor, tribunal concluded that few people would consider that the council or the office had been brought into disrepute.

Decision - No breach.

Islington 211, 212, 213, 214, 215

The longest case ever dealt with by the Panel. Councillors were accused of manipulating the appointment process of a chief executive. Useful insight into problems with recruitment procedures and practices when candidate(s) has political background and involvement of assessment processes and external consultants.

Decision - No breach.

Horsham

Councillor was found to have brought office of councillor into disrepute by not complying with licensing and planning law relating to activities and accommodation on her property; not being honest and open about business activities on her property; not before taking steps to ensure business on her premises was correctly registered and paying council tax; not taking immediate and appropriate steps to deal with issues relating to residential occupation of unsafe and dangerous premises; and by reiterating to council officers that she would use her position on the Council to her advantage if she could.

Decision - 2 year disqualification.

Bude-Stratton 301

Councillor asked sister in law (who worked on mental welfare matters for another local authority) to write a letter on her employing authority's headed notepaper about matters related to the conduct of the Town Clerk which was then distributed by the councillor to other members of the Town Council. Tribunal found that paragraph 4 had been breached but did not find breaches in relation to other paragraphs which were complained of. Councillor had resigned.

Decision - Reprimand.

Hackney 295

Councillor was convicted of benefit fraud having failed to disclose his basic member allowance of £8,000 pa and in spite of a memorandum of guidance to all members from the Monitoring Officer on the need to disclose the allowance.

Decision - 2 year disqualification.

Wokingham 294

Councillor had been convicted of being in contempt of court.

Decision - 6 months' disqualification.

Ipswich 289

Former Council Leader wrote two letters on council members' headed notepaper to the young daughter of fellow councillor in his own hand and signed one in the name of the Chief Executive. Tribunal formed the view that conduct was foolish and inappropriate and silly and a childish practical joke but did not bring council into disrepute. Tribunal considered councillor was wrong to sign letter in name of Chief Executive but that the use of the headed notepaper did not breach 5(b) as the council did not have a protocol that covered this at the time.

Decision - No breach.

Ravenfield 285

Councillor had sought to frustrate the rights of other councillors to see documents and to be involved in decisions of the Council, had acted unlawfully and knowingly misled a government department; had knowingly misled council meetings; had expressed a wish to disrupt the workings of the council if she was re-elected to it.

Decision - 4 year disqualification.

Maldon 283

Councillor assaulted another councillor during a wreath laying ceremony and had already served a five month suspension for assaulting the same councillor on another occasion.

Decision - 6 months' disqualification.

Gloucestershire 282

Councillor was convicted of criminal offence involving taking of improper photographs of women without their consent or knowledge in a public place on a number of occasions.

Decision - 1 year disqualification. Tribunal took into account long period of Service including cabinet member of County Council, District Council Standards Committee, and police authority.

Tewkesbury 281

Councillor sent rude and intemperate emails and letters to other councillors and had breached 2(b) of Code; had made a rude, disrespectful and threatening telephone call; had used extreme and threatening language contrary to paragraph 4 of the Code; had used threats and physical force against another councillor.

Decision - 1 year suspension. Tribunal took into account mitigating factors including apology, medical evidence and long service and commitment.

Leiston 279

Councillor was breathalised and found to be more than three times over the legal limit whilst driving. When police officer opened boot of car, a truncheon and machete were found which the councillor said he kept for self defence. Councillor was convicted of offences arising.

Decision - 2 year disqualification.

Berwick 278

Councillor insisted on making a complaint about a named officer at an open Council meeting in spite of Monitoring Officer's advice that this should only be done in closed session.

Decision - 1 year suspension.

Vale Royal 273

Councillor had accepted a police caution after being arrested for using a Council laptop computer to download inappropriate material including child pornography from the internet. The material had come to light during the course of a routine upgrade by Council staff. Tribunal took into account resignation from office, acceptance of police caution and acknowledgement that he had breached Code.

Decision - Disqualification for 4¹/₂ years.

Stowmarket 260

Councillor alleged to have made a racially offensive comment to a member of library staff. Tribunal's decision contains a useful exposition of thinking on the requirement for having reasonable proximity or reasonable capability of linking, or having a bearing on, official capacity against the background of the freedom of expression provisions in Article 10 of the ECHR and the phrase "*any other circumstance*" in paragraph 4 of the Code

Tribunal considered the case to be borderline. It accepted councillor's submission that this was an attempt at a poor joke without bad motive but using poor racial epithets and took into account his serious ill health and discharge from hospital the previous day. Tribunal was not satisfied that the words spoken were "*in any other circumstance*" for the purpose of paragraph 4 of the Code.

Decision - No breach

Cloughton 245

Councillor, who was the Council's Youth Liaison Officer, was asked to help by the owner of a bungalow who was being subjected to anti social behaviour by 3 minors of approximately 15 years age. The councillor grabbed one minor by the neck, dragged him away and threatened him. The councillor had since apologised and indicated he wished he had sought assistance from the local police who gave evidence of his good character.

Tribunal took into account councillor's good record of 5 years' service, absence of an apology from minor or his mother for loutish behaviour and made its views known on this sort of behaviour in society. It acknowledged that some form of sanction would nevertheless be appropriate and proportionate.

Decision - 2 months' partial suspension from any formal role in relation to children and young persons.

Publicity - The ESO had asked that the press and public be excluded from the hearing to ensure no prejudicial publicity for the minors if their names were inadvertently revealed. The Tribunal decided there was a public interest in the hearing being held in public but directed that the names of the minors should not be disclosed and that, if they were inadvertently revealed, they should not be made public.

Lincolnshire 258

Former Council Chairman visited husband at police station following his arrest for drink driving. As she drove away from the police station she was stopped and asked to provide a breath sample but failed to do so and was subsequently fined and banned from driving for 18 months.

Decision - No sanction; Councillor had been defeated at the recent election. In the Tribunal's view, a disqualification would have been excessive, although had she still been a councillor, Tribunal indicated it would have suspended her for a substantial period.

North West Leicestershire 259

Councillor had been given a conditional discharge after pleading guilty to an offence under the Public Order Act 1986. Under provocation, he had used intemperate and insulting language to another councillor which was heard by members of the public. At the time of the events, the councillor was naïve and inexperienced and it was evident that he had learnt the error of his ways.

Decision - Reprimand

Islington 216

Councillor on the selection panel for a Chief Executive was accused of applying a criterion not included in the person specification. Tribunal was not satisfied that the interpretation placed on the wording of the specification by the councillor was unreasonable; the Tribunal was satisfied that this particular criterion was applied fairly by the councillor to all candidates.

The Tribunal expressed concern that the councillor had received no training on recruitment and selection or equal opportunities and that the Council's procedures were apparently ignored at the short-listing meeting, notwithstanding the pressure of the Monitoring Officer. Notwithstanding the Council's requirements that adequate and legible notes of interviews should be maintained, the notes available to the Tribunal of a very important short-listing meeting were incomplete, inadequate and provided no evidence of a systematic approach to the process.

Recommendation - Council should review its recruitment and selection procedures and ensure participating members are adequately trained and that recording of decisions within those procedures is properly documented.

Nottinghamshire 251

Case concerned a Councillor attending a Masters Degree in Public Administration course at public expense and the administrative procedures surrounding this within the Council, an international study tour in the USA, and the cost of over £2,000 incurred in using business class flights booked for the Councillor by the Chief Executive, all of which had attracted adverse media publicity.

Decision – Insufficient evidence to warrant finding Code breached.

Recommendation – County Council should review its administrative procedures for members' training.

Slough 255

Councillor reported himself to the Standards Board for mistakenly failing to disclose his convictions on an application form for a renewal of a hackney carriage licence. Tribunal found that his regret was sincere and that the breach was inadvertent.

Decision - No action.

Recommendation - Application Forms referred to should be made available in languages other than English and clear guidance should be made available to applicants including the necessity to disclose all previous convictions.

Banham 249

Councillor launched a series of sustained, premeditated, intimidatory actions and threats against a member of the public whom he pursued on a public footpath after spying on him with a video camera, and ambushing him with two rottweilers and a friend for which he received a police caution. He also launched a pre-meditated tirade of abuse and insult against a member of the public present at a parish council meeting.

Decision - 4 years' disqualification.

Recommendation - Parish councillors should receive induction training as soon as they become members of the parish council and training of clerks and chairmen of parish councils should be encouraged to assist them in running effective meetings.

Northamptonshire 243

Councillor had been convicted of offence of actual bodily harm against wife, sentenced to community punishment order and resigned from Council. Tribunal took into account several mitigating factors and concluded that, in the particular circumstances of the case, disqualification would not improve reputation of local government or members, nor act as a deterrent or a punishment.

Decision – No sanction.

Lewisham 231

Councillor resigned after pleading guilty to exposing himself in a public library.

Decision - 2 year disqualification. Tribunal took into account fact that it had taken Standards Board over a year to bring case before Adjudication Panel whereas the case had been brought to court 2 days after the offence was committed.

Maldon 230

A physical altercation took place between 2 councillors on private property after a political party meeting. Tribunal found that although the words in any other circumstance in paragraph 4 appear to suggest conduct in "all" circumstances, only that conduct which is sufficiently proximate to, or reasonably capable of being linked to, or have a bearing on, a councillor's official duties is capable of breaching paragraph 4. The accused councillor had not apologised.

Decision - 5 months' suspension.

Tameside 229

Councillor had purported to give residents written permission, without having any authority, to install gates across two public passageways because of anti social behaviour. It was claimed that he had deliberately misinterpreted legal advice from an officer when the councillor wrote to the residents. Tribunal found that a heated exchange between the councillor and a resident resulted in breach of paragraph 2(b) but not 4, but that 4 was breached re the unauthorised letter.

Decision - 6 months' suspension.

Isle of Wight

Allegations related to councillor being drunk on a number of occasions including at a public meeting and at the council offices.

Decision - 2 years' disqualification.

North Lincolnshire 206

Alleged that council leader failed to comply with planning and licence conditions re his waste transfer business and started construction of large storage building without permission. First allegation was thrown out for several reasons but second was found proven re disrepute. Tribunal considered breach to be result of careless and cavalier approach rather than deliberate attempt to use position to gain personal advantage or avoid legal obligations, and also took into account long period of successful public service and apology given.

Decision - 3 months' suspension; start delayed by 2 days to enable council leader to make statement at start of next meeting of full council.

Wyre

Council leader acted in professional capacity as solicitor by representing applicant at licensing committee meeting. Member told committee he was appearing in professional capacity. Tribunal considered that reasonable and objective observer would conclude influence was being exerted even though member may be scrupulous to avoid that impression.

Decision - 6 months' suspension

South Buckinghamshire

Councillor accused of bringing authority into disrepute by building on own land before planning consent granted. Case relates to use of delegated powers of planning officers when applicant is councillor and LGA guidance on this issue and manner in which authorities disseminate and apply it.

Tribunal found insufficient evidence to warrant finding of bringing into disrepute.

Recommendation - Officers should not exercise delegated powers to issue permissions or advice to applicants who are councillors. All members of Council should receive appropriate guidance and instruction.

Restormel 149

Inappropriate behaviour and statements, some of a very public and offensive nature, in private council training event. Subsequently repeated in public. Race context.

Tribunal took into account seriousness; likelihood of future similar breaches by respondent and paid some attention to fact councillor was S.C. member.

Decision - 3 years' disqualification

Restormel 140

Councillor with local business interests. Allegations included supplying misleading information to officers and members with regard to nature of business interests.

Tribunal took into account duress councillor was under and the political climate at the council. Councillor was no longer a member. Breaches technical and/or minor and committed unintentionally.

Decision - No action

Fareham 145

Councillor convicted of 2 counts of fraud re offences before code operative. Tribunal decided no breach.

Councillor also subsequently defrauded Council over benefits claims. Tribunal took into account relevant provisions of General Principles Order.

Decision - 2 years' disqualification

Blackpool 170

Councillor under influence of alcohol at official function breached paragraphs 2(b) and 4. Case concerns capacity, apology and remorse aspects. Decision based partly on manner of what was said and aggressive behaviour rather than content of what was said.

Decision - 3 months' suspension

Barnet 169

Councillor breached paragraph 4 by attempting, by deception, dishonestly to secure the remission of the whole or part of an existing liability for four penalty charge notices and also breached paragraph 4 by improperly attempting to renew a Disabled Drivers permit.

He breached paragraph 5 by using Council notepaper to secure an advantage for his son by writing to the Council concerned seeking remission of liability for the four penalty charge notices. But he did not breach paragraph 5 in telephoning another Council (not his own) and identifying himself as a Councillor because he said he commonly described him-self as such and had not been using his position as a Councillor.

Decision - 1 year disqualification

North Dorset 166

A Councillor was accused of failing to treat officers with respect; bringing his office or authority into disrepute making vexations or malicious complaints against officers; using his position as a member to confer on or secure an advantage for himself and others and a disadvantage for others; failing to act prudently when using the resources of the Council; omitting to declare the existence and nature of a personal interest at a meeting, not withdrawing from a meeting despite having a prejudicial interest, and feeling improperly to influence a decision whilst having a prejudicial interest.

A number of procedural points were raised including selection of a hearing date, provision of witness evidence by one party in the absence of any advance notice from the other party of the details of their witnesses etc, editing of documents, hearing delay etc. The case arose from a local plan matter.

Decision - 4 years' disqualification

Recommendation - Make programme of training in provisions and application of code available to all members.

Kingston on Hull

Councillor accused of treating officers with disrespect re paragraph 2(b). Wrote an open letter to constituents criticising identifiable officers in an allegedly inappropriate manner. Case tribunal found code breached but took into account mitigating factors including Councillor's lack of experience and fact that normal working relationships appeared to have resumed on all sides. Adjournment requested based on ill-health claim.

Decision - 5 months' suspension

Recommendation - No formal recommendation, but Tribunal expressed concern that all parties to the case had failed to comply with internal procedures and protocols, including the grievance procedure for officers. Authority asked to consider whether or not this identified a training need for members and officers.

East Riding 110

Councillor accused of disclosing confidential information re council officer's salary to newspaper without consent of authorised person or with lawful reason. Councillor was not a member of the committee considering the matter but exercised his right to attend and observe. Apology given was considered late in the day and not made directly to the officer who had been caused distress by behaviour of some members of the public who had read of his salary. Absence of procedures on when confidential material can be released publicly.

Decision - 1 month suspension

Recommendation - Further training for Councillors on when matters are to be regarded as confidential and when disclosure can safely be made.

Ipswich 157

One Councillor drafted and another signed a letter criticising a senior officer, which mixed direct charges with insinuations in a way, which breached 2(b). The letter was intended by the two Councillors to have a wider circulation than the Leader and the Chief Executive. The Tribunal decided that the Councillors' actions had lowered the reputation of their office and that there had been a failure to follow the provisions of paragraph 4. Little evidence of any contrition. The Tribunal took into account that both Councillors represented the same ward, were in the same group and that one was the group leader.

Decision - 12 months' suspension or such period, if shorter, as comprises the remainder of the term of office.

Recommendation - Procedures should be established and notified to councillors to govern the way complaints from councillors about members of staff are dealt with. The criticisms of the officer should now be investigated; the Tribunal stressed it expressed no view as to whether there was any substance in them.

Burnley 196

Alleged that a member physically attacked a member of the public at a private event. The incident was reported in the local newspaper and the member had been involved in a disturbance at the same event the day before. Member had resigned but had not co-operated with the investigation and had shown no remorse.

Decision - Disqualification for 3 years.

Wakefield 183

Alleged that member provided false information to the Child Support Agency, resulting in a criminal conviction, which attracted media publicity. Councillor's former wife claimed that she had made representations to the leader of Wakefield MDC, following the conviction. She received a letter from a firm of solicitors suggesting that legal proceedings would be taken against her to secure a Restraining Order.

Decision - Tribunal took into account that member did not co-operate openly, fully and honestly with the CSA investigators or the ESO's investigator.

Disqualification for one year

Recommendations - Council review training of councillors particularly with regard to Paragraph 7 and that Council review its procedures re potential code breaches drawn to their attention.

South Derbyshire 150

Councillor was alleged to have breached copyright provisions by publishing local history pamphlets in his own name. He did not refer to himself in them as a councillor but was referred to as such in the extensive publicity given to the allegations. Councillor also received a police caution for making telephone calls contravening the Harassment Act 1997. Tribunal found councillor had breached paragraph 4.

Decision - Disqualification for 18 months

DECLARATION AND REGISTRATION OF INTERESTS

West Wiltshire 356, 357

Husband and wife councillors failed to register interests, failed to declare personal and prejudicial interests and sought improperly to influence decisions. One of the councillors attended a standards committee hearing into a dispensation application by the other councillor and failed to declare an interest and withdraw from the room. Other breaches related to failure to register chairmanship of a governing body and declare membership of campaign groups.

There was no personal gain, all the breaches arose from one set of circumstances and the councillors had many years of good service.

Decision - No sanction for wife; censure for husband and recommendation for training.

Tribunal recorded that there had been no training on the code for councillors until 2005; that the council had 3 permanent and 3 temporary monitoring officers in 3 years; that several of the council's members had been referred to the Panel and that, contrary to the practice in most other councils, the monitoring officer had not attended the hearing.

Hinckley and Bosworth 340

Council Leader committed eleven breaches and was already the subject of a partial suspension for nine months. Tribunal took into account there had been no personal gain, little or no training and on occasion councillor had received poor advice.

Decision - 3 month suspension

Dartford 338

Councillor committed breaches in relation to declaring interests and updating the register. He had acted in the best interests of his constituents, had made no financial gain and expressed a willingness to receive training. He admitted he had never read the Code. Tribunal stated that seeking advice in the course of a meeting was not a substitute for the need for councillors to familiarise themselves with the Code and that serious view would be taken of any subsequent breaches.

Decision - Reprimand

Bude Stratton 276

Councillor found to be in breach of several paragraphs of the Code but individually and collectively they did not warrant disqualification. It was apparent that the administration and conduct of meetings was at times shambolic. The councillor was no longer on any council and had said he would not stand again.

Decision - Reprimand

Recommendation - That the relevant authority considers providing a training programme in relation to the Code and proper arrangements to enable members to effectively operate within it.

Hinckley and Bosworth 271

Cabinet chairman failed to declare personal and prejudicial interest on two occasions and made statements she knew to be untrue at her parish council meeting. Councillor had at times been less than frank in the evidence she gave and tribunal deprecated her repeated attempts to blame a number of Council employees for her own failures.

Decision - 9 month suspension

Recommendation - Councillor should receive further training on the Code.

Thornaby 330

Councillor was criticised in an Employment Tribunal report which found that the clerk had been unfairly dismissed. Councillor had been subject of outstanding grievance lodged by the clerk but he seconded a motion to dismiss the clerk and said he would resign if the clerk was reinstated. Tribunal considered that the councillor had failed to understand the seriousness of his actions and that there was little prospect of his adopting a different approach to public life.

Decision - 2 year disqualification.

Middlesbrough 329

Councillor had attended two meetings in a non-voting capacity but had failed to declare a personal and prejudicial interest. Although she had received clear advice from officers, she had received an invitation to attend from the chairman of one of the meetings who was an experienced councillor and did not believe the invited member was prevented from attending. There had been no face to face training for members on the Code although the authority's written advice had been excellent. The member had declared interests appropriately since the two incidents.

Decision - No sanction, although the Tribunal recorded that councillor should be in no doubt that it deprecated her behaviour.

Recommendation - Training on Code be offered to all members.

Kingshurst 313

Councillor has sought personal gain by attempting to obtain approval of the use of council money to obtain legal representation against an individual member of the public with whom he was in conflict and failed to declare prejudicial interest. Had also without authority used council money to instruct solicitors to cancel a public meeting.

Decision - 15 months' disqualification

Recommendation - The relevant metropolitan council should ensure that councillors and relevant officers of the parish council have received and continue to receive training and guidance on the code, standing orders and the obligation not to use public office for private gain.

Kingshurst 275

Councillor used office to secure personal advantage for himself by drafting letter for parish council chairman to sign. The letter sought to expedite the councillor's renovation grant application to the metropolitan council and falsely stated that the parish council was concerned about the matter. Councillor also compromised impartiality of clerk by persuading clerk to retype letter containing false statements about parish council business and to sign it on behalf of chairman.

Decision - 6 months' disqualification

Recommendation - The relevant metropolitan council should ensure that councillors and relevant officers of the parish council have received and continue to receive training and guidance on the code, standing orders and the obligation not to use public office for private gain.

Landersednach 314, 315, 316

Three councillors had failed to declare interests on several occasions. Tribunal accepted that their economic interests were not their sole motivation and took into account several character references provided.

Decision - 9 months' suspension

Recommendation - (1) Councillors should undertake training on Code and its effect.
(2) Monitoring officer should
- undertake review of parish council's procedures and consider extent to which training and guidance is required by all members
- consider way in which minutes are prepared and approved and how approval and amendment to the minutes are recorded.

Lamerton 311

Councillor failed to declare personal and prejudicial interest re village hall development next to her home on several occasions over a period of eight months.

Decision - 5 months' disqualification.

North Dorset 310

Councillor had failed to declare interest in planning application for substantial development close to his home. Had shown contrition.

Decision - Reprimand

Recommendation - Strong recommendation to district council that it carries out thorough review of training needs of members and officers on Code and keeps them under regular review. Tribunal expressed concern that letters of support for the councillor from other councillors indicated a widespread misunderstanding of the Code on their part; that no officers or the committee chairman had expressed concern about the councillor's interest; that the view of the county council monitoring officer was wrong.

Thorne Moorends 308

Councillor had deliberately sought personal gain for himself and others at the public's expense by exploiting his membership of an external body on which he represented the council. Councillor showed no sign of appreciating the gravity of his actions.

Decision - 12 months' disqualification

Recommendation - Training should be provided by the metropolitan council for all four councillors in the district.

North Norfolk 321

Councillor had a personal and prejudicial interest in a planning application made by company of which he was managing director. Councillor announced at committee that he would be speaking in a private capacity on behalf of the applicant and then spoke after the committee had heard the officer's advice that he should not. Tribunal took into account that neither chairman nor any other members of the committee attempted to ask the councillor to stop and that the evidence indicated that the monitoring officer had not provided the councillor with a detailed explanation of why the councillor should not speak in spite of the councillor's request for such an explanation.

Decision - 12 months' suspension

Cumbria 292

Councillor failed to declare any interest at a number of meetings concerning road scheme affecting the road in which he lived contrary to paragraph 12 and carried out a door to door survey in the road in a way which breached paragraph 4.

Decision - 9 months' disqualification.

Recommendation - County Council might wish to consider a greater consistency in procedure at all its relevant meetings to ensure that the identity, status and roles of attendees

is recorded and that appropriate opportunities are provided for declaration of interest.

Norton Canes 290/291

Two councillors had failed to declare personal interests and the nature of those interests relating to development of a church hall site. Part of the case revolves around the application of the well –being test. Tribunal took into account that they were elected only fairly recently and had not received much training in the Code and that their evidence showed an unsatisfactory understanding of the Code and its application to personal interests. Tribunal took into account that much had been done since the complaints to improve the situation.

Decision - Reprimand.

Recommendation - Respondents should be provided with training from the Monitoring Officer and the Monitoring Officer should be requested to meet with the Parish clerk and others to review and give guidance and support as necessary on general governance issues.

Berwick 278

Councillor failed to declare at several meetings any interest in council land the subject of a development proposal. His daughter lived in close proximity to the land, used it regularly for recreation and had lodged an objection to the development proposals. Councillor continued to attend meetings without declaring an interest even after being put on notice that he should consider his position.

Decision - 1 year suspension

Hungerford 268/269

Case involved alleged breaches of 2c, 4, 5a, 10a and 10b and concerned Town Council's observations to District Council on planning applications, site visits, planning application by Town Clerk who was close personal friend of Council Chairman, failing to declare a prejudicial interest in a grant application from a body of which the respondent was the Chairman.

Decision - 12 months' suspension from Council's Planning and Finance Committees.

Southsea 266

A former councillor had failed to disclose membership of certain organisations in the register as required under 13(c) of the Code. He had also refused to confirm whether or not he was a member of the Freemasons and was, as a result, held to be in breach of paragraph 4.

Decision - Disqualification for one year for breach of paragraph 4 but no sanction for breach of 13(c) because of the individual circumstances.

Lyme Regis

Councillor accused of a large number of breaches, mostly relating to declaration of interest provisions and contained in over 600 pages considered by the Tribunal. Tribunal took into account councillor's long service, willingness to apologise to the Council and length of time since events complained of.

Decision - 6 months' disqualification.

Recommendation - In view of large number of concerns revealed about the conduct of some aspects of the Town Council's business, the District Council was recommended to review, identify and provide any training that would assist the Town Council with the discharge of its functions, and in particular Code of Conduct training required by the Town Council members.

Keelby 244

Case involves aspects of a former Parish Councillor living near to a planning application site for development proposed by the Parish Council, membership of a lobby group, seeking advice from the Monitoring Officer and Parish Councils Association and objection to application lodged by spouse. Councillor had resigned

Decision - 3 months' disqualification

West Somerset 223

Councillor breached 5 (a), 9 and 12 of Code by not declaring a prejudicial interest in proposes to relocate the Council's offices. Tribunal emphasised that decision on whether councillor has a personal and prejudicial interest is one for individual councillor to make and not one that can be off-loaded onto officers. Tribunal concerned at lack of knowledge of Code displayed by some councillors called as witnesses.

Decision – 12 months' suspension.

Recommendation – Council should review, probably with external assistance, level of understanding of members of the Code, arrange training, and keep records of member attendance at training events.

Kettering and Northamptonshire 228

Case concerned a Councillor who ran a franchise restaurant and whose wife's positions included president of the local Chamber of Trade. He declared only a personal interest in a debate about proposed changes to the local parking scheme. It was also claimed that he sought, improperly, to influence officers' reports and behaved improperly towards the Monitoring Officer.

Decision - 9 months' disqualification. Tribunal recorded its deep concern at the councillor's behaviour towards the Monitoring Officer.

Tandridge 235

Councillor had personal and prejudicial interest in a planning application and had been advised of this by Monitoring Officer. He declared his interests at a number of meetings but stayed and spoke and then reported himself to the Monitoring Officer. Tribunal found breach of 13(a) and 13(b).

Decision - 18 months' disqualification.

Bedford 184

Councillor ran an architectural design service on his own account. Complaints related to representations he made to the Planning Committee as agent for clients and his initiation and participation in a committee debate about an amendment to a planning policy.

Tribunal found that paras 9 and 12 had been breached.

Decision - 1 year disqualification.

Recommendation - Advice to members on Code should be given in writing; current advice to members re attendance at meetings and 'right to speak' should be reviewed.

Macclesfield 171

Councillor did not comply fully with paragraphs 8 and 10 re planning application but had undergone training and apologised for his omissions.

Decision - 6 months' suspension from discussions or decisions relating to planning matters.

Recommendation - Authority's procedures and practices relating to advice to members on probity and conduct should be reviewed and role and responsibilities of Monitoring Officer and deputy should be clearly defined and promulgated.

Macclesfield 164

Councillor named in an Ombudsman report participated in a Council debate on the matter. Tribunal considered arguments re human rights and natural justice in relation to wording of code; found that he had sought to improperly influence decision.

Decision - 1 year suspension

Recommendation - Authority should review its procedures in giving detailed and timely advice to members on matters of compliance with aspects of the Code, including those concerned with human rights and natural justice.

Bridgnorth

Several breaches but Tribunal took into account that they mainly all stemmed from same fact, namely that Councillor had not considered she had a prejudice interest in relation to the planning application; that she had been mistaken and misguided but not motivated by personal gain; that she had long period of public service and had received considerable support.

Decision - 3 month suspension

North Pemberton 192

Councillors entries in the register pertaining to his occupation and interests in land were not sufficiently clear and he had refused to comply with requests to amplify them.

Decision - 1 year disqualification

South Somercote 160, 161, 162

Three councillors living in close proximity to the site of a planning application were advised by the monitoring officer that they had a personal and prejudicial interest but remained in the room and voted. They also signed a letter as parish councillors to the district council, opposing the development.

Decision - 2 months' suspension for 2 councillors still on council and 2 months' disqualification for 3rd councillor who was no longer on council.

Recommendation - Parish council should review its induction and training arrangements for councillors with the monitoring officer.

BULLYING

Chard 354

Mayor committed three breaches of the code. After discovering town clerk was no longer living with her husband, he invited her to go on holiday with him at his expense and said he would pay for anything she needed. Mayor gave town clerk a present of £500 and told her he was infatuated with her. Town clerk returned the £500 cheque, declined the holiday offer and, after consulting the finance officer, confirmed her response in writing.

Mayor issued press release making unjustified inferences about the town clerk and published her ex directory home telephone number which she had never released to the mayor. Town clerk lodged a grievance against the mayor who responded by issuing the town clerk with a formal written disciplinary warning.

Tribunal took into account evidence of strong local support for mayor in spite of his conduct and considered he should have the opportunity to stand in the next elections.

Decision - 8½ month disqualification

Recommendation - Town council should adopt a rule preventing the councillor who is the town clerk's line manager from also being the mayor to provide the town clerk with an appropriate alternative contact, in the form of the mayor, in the event of a serious dispute ensuing between town clerk and line manager.

Chichester 348

Cabinet member sent, usually late at night, a long series of sarcastic, disparaging and inappropriate emails, letters and comments at public meetings to senior and junior staff. Fellow councillors attempted to mediate but the situation worsened with aggressive behaviour towards employees, an insensitive comment about a recently deceased officer and a demand that the chief executive sack all the IT staff. Councillor improperly tried to pressurise IT staff into awarding contracts to software firms with which he was associated. Subsequently, the chief executive banned the councillor from having any access to IT staff. Councillor sent disparaging email about chief executive and leader to eleven senior local government figures but did not tell the leader who heard about it from the chairman of another local authority. Other chief executives spoke to the councillor's chief executive about the email and the senior management team took the unprecedented step of writing a letter to the leader and deputy leader stating that the situation had become totally unacceptable.

Tribunal disagree with the ESO's view that the comments about the leader in the letter to eleven senior local government figures were not breaches of the code because they were robust political comment which had to be tolerated. Tribunal said ESO was wrong and found that this and numerous other incidents meant the code had been breached.

Decision - 1 year disqualification

West Oxfordshire 323

Case concerned variety of issues including allegations that councillor put pressure on planning officer regarding the councillor's applications for planning permission and that he intimidated a fraud investigation officer looking into whether he had assisted someone to make a fraudulent benefit claim.

Decision - Reprimand

Recommendation - Standards Committee to review undertaking by respondent to send all correspondence to officers in draft form to council leader first and to review undertaking by respondent to communicate only with senior officers. Standards Committee to arrange training for respondent on code and member/employee relations. Council leader had also undertaken to speak to staff about the matter.

Haverhill 319

Councillor carried out a relentless campaign of destructive criticism in bad faith against the clerk and fellow town councillors without any evidence to support his allegations. In a five month period he made thirty-two written complaints to the council about its employees and other councillors, nineteen complaints about councillors to the Standards Board, none of which was considered worth referring for a hearing and there were several others both to the Board and via a website which were believed to come from him under a pseudonym. The owner closed the website down because of its misuse, the police were involved, three councillors resigned from the councillor's group in protest and a few months before the tribunal hearing, the councillor himself resigned claiming this was due to the clerk's serial bullying.

Decision - 3 years' disqualification

Recommendation - Borough council should review its training for new councillors particularly independents outside the normal political support structures and ensure that appropriate training is available for councillors who join these councils out of the normal electoral cycle.

Wells 318

Councillor constantly became irate about a number of issues including toilets, flags and ashtrays. He shouted and ranted at the clerk and was constantly irate and confrontational, sometimes making false allegations and taking actions on behalf of the council which he had not authority to take.

Decision - 9 months' suspension

Oswestry 312

Councillor did not treat clerk or local constabulary with respect, interfered with the relationship between the town council and its suppliers and caused the council to incur unnecessary expenditure.

Decision - 12 months' disqualification

Watermead 309

Councillor behaved in abusive and disruptive manner at council meeting and council passed resolution about his conduct. He sent abusive emails using foul language to other members. Councillor had apologised and resigned. ESO did not consider disqualification warranted.

Decision - Reprimand

Bedford 296

Councillor represented local resident in a private capacity for remuneration against the council in a claim for adverse possession. The councillor wrote a letter accusing two named officers of lying and alleged that they and others were involved in a conspiracy to defraud a widow. No proper apologies were given by the councillor.

Decision - 6 months' suspension

Malvern Hills 280

Councillor bullied employees and was rude to other councillors. Standards Committee had attempted to curb his behaviour without success.

Decision - 3 months' suspension

Recommendation - As the councillor had expressed a desire to improve his conduct, Standards Committee and monitoring officer were recommended to undertake a review of the councillor's training needs with the councillor's co-operation.

Wigan 248

Councillor insisted on a private meeting with an officer during which he attempted to coerce him to influence a subordinate officer against giving evidence about him at a forthcoming APE hearing at which the councillor was due to appear. Councillor was already disqualified for 3 years by a previous case tribunal some 18 months before.

Decision - Disqualification for 2 years which would mean his existing disqualification would be extended.

High Peak 256

Councillor sent numerous inappropriate and abusive emails to members and officers which were often copied to organisations outside the authority. He was in breach of the Council's bullying and harassment policy, its protocol on the use of ICT and in breach of the Chief Executive's guidance on complaints about officer conduct. The Chief Executive had withdrawn the Council provided laptop from the councillor and banned him from using the Council's intranet but he continued his practices by using other means.

Decision - 2 years' disqualification.

Forest Heath 253

Councillor made malicious allegations about an officer's integrity and professionalism on a letter to the Leader, Chief Executive and other senior officers and members. He was found to have breached 2(b) and 4 of the Code. The Full Council endorsed the decision of its Planning Committee to approve a vote of confidence in the officer and refer the member to the Standards Board. The officer had been very distressed about the allegations and instructed his own solicitors.

The letter was written before an internal investigation had been completed into the matter which did, in fact, raise legitimate concerns about recording procedures and protocols at council meetings which were subsequently addressed. Councillor, during the hearing, apologised for his conduct but there was no evidence that he had previously apologised or expressed any contrition for the obvious distress he had caused the officer.

Decision - 9 months' suspension.

Recommendation - Councillor should make a written apology to the officer for making unsubstantiated allegations against him.

North East Derbyshire 239

Councillor who had been Leader for 17 years was found to have used abusive and foul language to a number of employees on different occasions including the Chief Executive and a lorry driver and to have behaved in an intimidating manner to them. He had also been inappropriately involved in a Trade Union negotiation with which his son was involved as a shop steward and had failed to declare a personal and prejudicial interest.

Decision – 3 years' disqualification.

East Riding 234

Although not concerned directly with bullying, case concerns roles of members and officers re child protection matters. Tribunal found that councillor abused her position, compromised the impartiality of officers, and improperly conferred an advantage on someone else and brought office and respondent into disrepute. Councillor failed to appreciate role of councillor and duties and responsibilities of office and failed to appreciate seriousness of issues involved.

Decision - 1 year disqualification

Recommendation - Council should review training given to members in duties and responsibilities of councillor to ensure it is of sufficient scope and depth.

Immingham 144

Case alleged that councillor conferred on or secured a disadvantage for the Town Clerk, failed to treat Town Clerk with respect; and brought office or authority into

disrepute in way he behaved to Town Clerk. Accused Town Clerk of lying, siding with a political group, being political, falsifying minutes and using her sex unprofessionally.

Decision - Member/officer relationship had broken down but little appeared to have been done by either party or other members to repair damage. Although the Town Clerk's conduct was not faultless, the member's conduct was unacceptable and showed no sense of the responsibilities imposed by the code or any likelihood of change.

Disqualification for 3 years.

Sidmouth 198

Councillor accused of failing to treat others, including staff, with respect; attempting to compromise the impartiality of the authority; conducting himself in a manner which could reasonably be regarded as bringing his authority or office in disrepute. Only the first ground was found proven. Councillor did not attend due to illness but gave unconditional written apology to staff. Authority had taken measures to ensure councillor had restricted access to council premises.

Decision - No further action needed.

2nd October 2006