

TRAINING – SAMPLE STANDARDS CASES

STANDARDS COMMITTEE – 13 JULY 2010

Report of the: Monitoring Officer

Status: For Consideration

Key Decision: No

Executive Summary:

Portfolio Holder Cllr. Bracken (Portfolio Holder for Safe Community)

Head of Service Christine Nuttall – Monitoring Officer

Recommendation:

That Members consider the sample cases contained within the report and express a view on the outcome of each case.

Introduction

- 1 The following are all real cases which have been considered by the Tribunal on appeal from local authorities' Standards Committee hearings and upon referral by an Ethical Standards Officer since November 2008. Members are invited to consider the cases set out in the report and make a judgement on the outcome of each one. These will then be compared to the decision of the Tribunal, which will be available at the meeting. Members can assume that the scenarios given below are factually accurate.
- 2 Copies of the handouts from the training event at Weightmans Solicitors on 14 June 2010 will also be available at the meeting.

Case 1

- 3 Councillor A was convicted on three counts of making indecent images of children and four counts of possessing indecent images of children. One of these counts referred to 13 images found on a computer that Cllr A had been provided with by the Council. It was alleged that Cllr A had breached the Code of Conduct by this behaviour. Cllr A attended the hearing but did not offer any defence for fear of prejudicing any appeal against his conviction.

Cases 2 & 3 – To be considered together

Case 2

- 4 It was alleged that Councillor B had failed to treat others with respect. The allegation concerned Councillor B's dealings with officers of the Council. At a meeting, he was overheard saying "who is the wanker, what's his name" and "shutting the bastard up before he gets any more embarrassing" about an officer who had posed robust questions to a panel.

Case 3

- 5 Councillor C appealed against the finding of the Standards Committee that he had breached paragraphs 3(1) and 5 of the Code through comments made to a local reporter and subsequently published, criticising the planning department at the Council.
- 6 Councillor C was contacted by a member of a local newspaper for comment on a planning application registered by Councillor C's grandson in February 2008. This application had not been determined within the prescribed period and an appeal was launched in May 2008. The journalist was concerned that there was a potential conflict of interest as Councillor C was a member of the planning committee. Councillor C reassured the journalist that there was no conflict and the conversation turned to focus predominantly on the Planning Committee. Councillor C made a number of comments including "That department isn't performing as well as it should be. You can make all the excuses under the sun about short staff", "The problem we have in this District is that we have been officer led for so long", "There are people who come into jobs and don't have local knowledge. They lack the commitment on the future of the District". These comments were published in an article entitled "Planning chief attacks own department" even though Councillor C thought the conversation was 'off the record'.

Case 4

- 7 Councillor D accepted before the Appeal Tribunal that her comment to another Councillor that she was a "coconut" during a Council meeting had amounted to a failure to treat others with respect and had brought the office of councillor and the council into disrepute in breach of paragraphs 3(1) and 5 of the Code. She was appealing against the sanction imposed – censure and a four week suspension. Councillor D had apologised for her conduct.

Background Papers: Members' Conduct – Tribunal Case Summaries

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