

Wear Valley 368 & 367

- Considered the preliminary legal point about failure to hold the hearing within the three months required
- Failure was not for reasons beyond the councils control or what could reasonably have been anticipated
- Dawkins v Bolsover District Council 2004 applied

Quashed!

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North Kesteven 369

- Could not be determined with any certainty what the purpose of the agenda item was and that this was symptomatic of the poor administration practice operated by the parish council.
- Burden of proof is upon the complainant and had not been discharged at any time

Poor Administration!

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Bassetlaw 373

Not within its remit to insist that the councillor should make a full public apology to the officer

No Power!

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**Standards Committees
OF
Appeals Against Decisions**

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**Councillors Behaving Badly?
Adjudication Panel Decisions
Sara T Goodwin
Head of Legal**

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**West Mercia Independent Members of
Standards Committees Forum
25 January 2008**

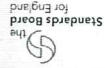
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Interference!

- Did not treat the clerk or local constabulary with respect
- Interfered with the relationship between the town council and its suppliers
- Caused the council to incur unnecessary expenditure

Decision – 12 months disqualification

Oswestry 312



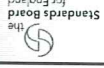
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Unacceptable!

- Accused Town Clerk of lying, siding with a political group, being political and using her sex unprofessionally
- Conduct was unacceptable
- Showed no sense of the responsibilities imposed by the code or any likelihood of change

Decision – Disqualification for 3 years

Immingham 144




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Temper! Temper!

- 22 Allegations
- Decision – 6 month suspension
- Only 7 proven
- Recommendations – Councilor to make contact with council only via one designated officer and that he should always be accompanied by another specific councillor in any dealings he has with officers
- Already received 4 separate training/advice sessions on an individual basis
- Recommended: further individual training, particularly in relation to loss of temper

Wigan 361



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Training! Training!

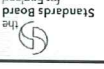
- Relentless campaign of destructive criticism in bad faith against the clerk and fellow town councillors without any evidence to support allegations
- 32 written complaints to the council about its employees and other councillors
- 19 complaints against councillors to the Standards Board

Decision – 3 years disqualification

Recommendation – Council should review its training for new councillors particularly independents outside the normal political support structures

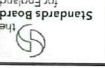
Ensure appropriate training for councillors who join these councils out of the normal electoral cycle

Haverhill 319



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Bullying



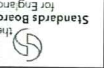
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Insincere!

- Councilor was ignorant of his role and responsibilities, that his purported apologies were less than wholehearted, and noted that he had already been found on another occasion to be in breach of the Code by the manner in which he spoke to an officer

Decision – 3 months disqualification

Portsmouth 374



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Maldon 283

Assault!

- 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

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Ipswich 289

No Breach!

- Former Council Leader wrote two letters on council members' headed notepaper to the daughter of fellow councillor in his own hand and signed one in the name of the Chief Executive
- Conduct was foolish and inappropriate and silly and childish practical joke but did not bring council into disrepute
- Wrong to sign the letter in the name of the Chief Executive but that the use of the headed notepaper did not breach 5(b)

Decision – No breach

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Redbridge 305

Post Office Pugilists!

- Two minute altercation in a post office between a shopkeeper and councillor about a controversial road closure during which each gave as good as they got.
- In the absence of swearing or profane or discriminatory language by the councillor few people would consider that the council or the office had been brought into disrepute

Decision – No breach

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Sonning 324

Misunderstood!

- 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

Decision – 12 months suspension

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Shifnal 365

Off Duty!

- Convicted on fifteen charges of false accounting arising out of the conduct of his horticultural business
- At the time of the commission of the offences, neither acting in his official capacity as a councillor nor performing the functions of his office as a councillor
- Collins J had indicated that a councillor who commits a criminal offence is not, in his judgement, caught by the code "if his offending had nothing to do with his position as a councillor."

Decision – No breach

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Disrepute and Securing an Advantage etc.


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Keelby 244

NIMBY!

- 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



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Thorne Moorends 308

Personal Gain!

- Deliberately sought personal gain for himself and others at the public's expense
- 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




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Thornaby 330

No Hope!

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

Decision – 2 years disqualification



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Hinckley and Bosworth 271

Truth Will Out!

- 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
- 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



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Declaration and Registration of Interests



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Banham 249

Abusive Tirade!

- Series of sustained, premeditated, intimidatory actions and threats against a member of the public
- Launched a premeditated 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 and training of clerks and chairmen of parish councils should be encouraged to assist them in running effective meetings



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Any Questions?




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Westminster 241

No Public Interest!

- Leader of the opposition disclosed to the media information marker "confidential" in emails from the monitoring officer.
- Considerable exposition on the law relating to confidentiality and Articles 10(1) and 10(2)
- 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



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Walsall 163

Proper Procedures!

- Unauthorised disclosure of confidential information re results of tendering exercise for sale of council land
- Tribunal applied tests laid down by Megarry J. to determine confidentiality
- Refused a request that the hearing be cancelled, as the councillor was not standing for re-election in the imminent election as it 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 lenders as opposed to monetary consideration




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North Pemberton 192

Not Telling!


- Entries in the register pertaining to his occupation and interests in land were not sufficiently clear
- Had refused to comply with requests to amplify them

Decision – 1 year disqualification



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Confidentiality



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