

Case summary

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SBE case number	SBE01515 – AAGC9
member	Councillor Peter McDonald
authority	Bromsgrove District Council
allegation	The member failed to treat others with respect and bullied another person
date received	18 July 2008
date completed	25 March 2009
SBE outcome	The ethical standards officer found that the member did not fail to comply with the Code of Conduct

Summary

The complainant alleged that at a members' training session on the subject of 'Value for Money', Councillor Peter McDonald failed to treat the two presenting officers with respect, and tried to bully and intimidate them into commenting on a political decision made by members to have officers, not external consultants, presenting the training. It was alleged that this put the officers in the intolerable position of being pressed for an answer.

One of the officers stated that Councillor McDonald tried to raise concerns about two particular council projects, which was not the purpose of the training session. She found his attitude quite aggressive and intimidating but she did not consider that she was bullied. She stated that Councillor McDonald said at one point, "I would rather be at home watching television than listening to you two".

The other officer stated that she found Councillor McDonald's manner antagonistic, but that the alleged incident was over quickly when he and others in his political group left the session shortly afterwards.

Councillor McDonald said he had not realised until he arrived at the training session that it was to be provided by officers. He asked why consultants were not being used because, in his opinion, it put members in a difficult position to be challenging what officers were saying. He stated that if the two officers were upset by his remarks, he would wish to apologise to them.

Councillor McDonald also stated that the session seemed to be going into the direction of officers defending the council's position. He said he had told the meeting that value for money was also about opportunity cost, and that as he had been expecting external facilitators to be presenting the training, he was missing the opportunity to watch football on the television that evening.

Councillor McDonald stated that he and the other members of the Labour group present then left the meeting, and that he did so because he felt it was too risky to stay and risk being accused of challenging officers. He said that the decision was not pre-arranged and not a political stunt.

The ethical standards officer noted that, while there were differing recollections of what Councillor McDonald said to officers, Councillor McDonald did not dispute that he questioned why they were providing the training and that referred to missing the opportunity to watch football on television to be there.

The ethical standards officer also noted that it was disputed whether Councillor McDonald was intimidating in his manner when he questioned the officers. However, the ethical standards officer considered that, on the balance of probabilities, Councillor McDonald did question the officers in a manner that was aggressive or antagonistic in tone. The ethical standards officer considered this to be inappropriate but, on a finely balanced judgement, he concluded that Councillor McDonald's mode of questioning was disrespectful or bullying within the terms of the Code of Conduct. In reaching this decision, the ethical standards officer took into account that the two officers held very senior positions and were used to dealing with members and handling difficult or challenging questions from them.

The ethical standards officer took the view that Councillor McDonald's decision to walk out of the training session was potentially disrespectful to the officers presenting it, and at the very least, discourteous to them. However, the ethical standards officer had regard to the fact that Councillor McDonald had not intended to insult the officers and that they were, as senior officers, fully aware of the party political environment in which they were presenting the session. As such, the ethical standards officer did not consider that Councillor McDonald's actions were sufficient to amount to a breach of the Code of Conduct.

relevant paragraphs of the Code of Conduct

The allegations in this case to paragraphs 3(1) and 3(2)(b) of the Code of Conduct.

recommendations

Ends.