

Standards

BOROUGH OF TELFORD & WREKIN

Ethical Standards Bulletin – Autumn 2006

Welcome to the latest edition of the Ethical Standards Bulletin. This Bulletin is for Councillors from the Borough of Telford and Wrekin, Councillors from the Parish and Town Councils in the Borough and members of the Shropshire and Wrekin Fire Authority.

Future meetings of Standards Committees:-

- The next meeting of the Borough of Telford and Wrekin Standards and Audit Committee will be on 19th October 2006 at 6pm. The meeting will be held at the Borough of Telford and Wrekin Civic Offices.
- The next meeting of the Shropshire and Wrekin Fire Authority Standards Committee will be on 22nd January 2007 at 5pm. It is anticipated that this meeting will take place at the Fire Authority Headquarters in Shrewsbury.

New appointments to Standards and Audit Committee:-

We are pleased to welcome Mr Arul Selvaratnan and Mr Barry Bayley, who have been appointed as new independent members for the Standards and Audit Committee for the Borough of Telford and Wrekin. Mr Selvaratnan and Mr Bayley will join the two existing independent members of the Standards and Audit Committee, Mr Andy Simpson and Mr Frank Beasland.

Update on changes to the Member Code of Conduct and system for processing complaints:-

As reported in previous editions of the Bulletin, the Government is currently looking at proposals to amend the members Code of Conduct, and also change the way in which complaints against members alleging a breach of the Code are processed.

Current indications are that the amended Code of Conduct could be in place as early as May 2007, whilst the proposals to change the system for processing complaints (to introduce a system whereby a complaint is initially made to a Local Standards Committee rather than the Standards Board for England) is anticipated to come into effect in 2008. It is expected that further information in respect of these developments will be provided at the forthcoming Annual Assembly of Standards Committees (see below). Further updates will be provided in this Bulletin. However,

for up to date information we recommend that you visit the Standards Board website at www.standardsboard.co.uk.

Fifth Annual Assembly of Standards Committees

The fifth annual assembly of Standards Committees is due to take place on 16th and 17th October 2006 at the ICC, Birmingham. This year's assembly is entitled "Bridging the gap towards effective local regulation" and will include speeches by Sir Anthony Holland, the chair of the Standards Board for England, and Phil Woolas MP, Minister for Local Government. It is anticipated that the assembly will look at both the changing role for the Standards Board of England as it looks to change to become a strategic regulator, and the increasing responsibility that will be placed upon Local Authorities in respect of processing complaints under the system for local filtration which is expected to be in place from 2008.

Representatives from both the Borough of Telford and Wrekin and the Shropshire and Wrekin Fire Authority will be in attendance. Sue Kembrey, the Head of Legal and Democratic Services and Monitoring Officer for the Borough of Telford and Wrekin has been invited to speak at a presentation and discussion session on local investigations.

If you wish to find out more information about the assembly, you can do so by visiting www.annualassembly.co.uk. We also expect transcripts of some the speeches provided at the assembly to appear afterwards on the Standards Board website at www.standardsboard.co.uk.

Register of Interest Forms

Thank you to all councillors who have completed and returned new Register of Interest forms. For those who have not yet returned their forms, there is still an opportunity to do so, if you have any queries with regard to the content of the forms, then please do not hesitate to contact the relevant officers named at the end of this Bulletin. Parish and Town Councillors should speak to their local Parish/Town Clerk. In any event, we take the opportunity to remind all members that even if you do complete an up-to-date form every 12 months, there is still an obligation under the Code of Conduct to amend the details on the form within 28 days of any relevant change in circumstances.

Code of Conduct Training

Code of Conduct training for Councillors has now concluded for this year, with three sessions having taken place in June. There were a total of 75 attendees for the three sessions, which included Borough Councillors, Parish and Town Councillors, Shropshire and Wrekin Fire Authority members, Parish/Town Council Clerks and other officers. Generally, the feedback from the training was positive, but our aim is to make improvements for subsequent training, and also encourage a higher attendance, particularly from Parish and Town Councillors. This is particularly important if there are changes to the Code of Conduct, as it will be crucial that all Councillors have access to good quality training on the changes to the existing rules. If you have any suggestions for ways in which the training can be made more accessible, particularly for Parish and Town Councillors, then we would welcome your comments (which can be provided to the officers whose details appear at the end of this Bulletin).

RECENT ADJUDICATION PANEL FOR ENGLAND DECISIONS

Set out below is a further summary of recent cases heard by the Adjudication Panel for England in respect of alleged breaches of the Code of Conduct. The cases are useful in showing the types of matters which are currently subject to investigation and result in hearings before the adjudication panel. The summaries also show the types of sanctions imposed on Councillors who have breached the Code, together with other recommendations which the Adjudication Panel have considered to be appropriate. The summary has been prepared by the Chartered Institute for Public Finance and Accountancy, who point out when producing the summaries that they are not a substitute for reading the full details of the case. If you do wish to view more detailed transcripts of the Adjudication Panel Hearings, you can do so by visiting the Adjudication Panel for England's website at www.adjudicationpanel.co.uk.

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.

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.

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.

Next Bulletin

The next Bulletin is due to be issued during Winter 2006/07. If you have any comments with regard to this Bulletin, or suggestions or items to be included in the next edition of the Bulletin, then please contact Matthew Cumberbatch (on 01952 203068 or matthew.cumberbatch@telford.gov.uk), or for Shropshire and Wrekin Fire Authority, members please contact Sharon Lloyd, Corporate Services Manager for Shropshire and Wrekin Fire Authority on 01743 260210.

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