

Local filter: In detail

Hull City Council

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Case B: Borough of Selchester, Councillor Julia Harty

Summary

It is alleged that Councillor Harty lied at council meetings about her decision to require LEA appointed school governors to pay the £36 cost of their own Criminal Records Bureau (CRB) checks, a process which she had approved while cabinet member for education. The complainant, who is the opposition chief whip, said that Labour councillors received complaints during August 2006 that new governors would have to have a CRB check at their own expense, and there were letters in the press criticising the policy. It is alleged that at this stage Councillor Harty suggested a bursary scheme for those who could not afford to pay. A newspaper article quoted the council as saying that the fee may be waived by those not able to pay. It is alleged that at a scrutiny committee on 12 September 2006, Councillor Harty, replying to a question, said that it had always been the policy to reimburse governors their CRB expenses, which is not what she had in fact agreed.

The opposition put down a motion in council on 20 September 2006 on the matter, and it is reported that Councillor Harty again claimed that it was always the policy to reimburse governors for CRB expenses.

Filter process

1. Is the complaint about the conduct of a member?

Yes.

2. Does it appear to be a breach of the Code of Conduct?

No – it appears to be a complaint arising from Council decisions and amounts to normal party politics.

Decision

No further action.

Case C: Marnham District Council, Councillor Davies

Summary

The complainant is the Conservative leader of the council. He alleged that a fellow Conservative councillor, Councillor Davies, had failed to treat council staff and other councillors with respect in breach of Paragraph 2 (b) of the Code and had brought his office and the council into disrepute contrary to Paragraph 4 of the Code. This followed a complaint to the leader about Councillor Davies' behaviour by the chief executive.

The complaint included the following allegations:

- Councillor Davies had sent a number of disparaging emails to the council's IT staff, criticising their work and mocking their capabilities and copied them to third parties;
- Councillor Davies had sent unfair and derogatory emails about the chief executive, the council's solicitor and the complainant, copying them in to third parties, as well as inappropriate emails to other councillors;
- Councillor Davies had become involved in support of a local IT company in a dispute with the council, and was confrontational when officers reminded him about possible conflicts of interest; and
- Councillor Davies had been hectoring and overbearing towards technical officers in the presence of the chief executive and two other members at a meeting held on 23 April 2005. The chief executive asked the junior officers to leave after 20 minutes on account of Councillor Davies' behaviour, and because they were upset at the untimely death of a close colleague the previous Saturday. It is reported that when Councillor Davies was told of this, he retorted, "I suppose you're going to blame him!"

It is alleged that Councillor Davies has been warned about his conduct, including formal warnings, but that it has continued.

Filter process

1. Is the complaint about the conduct of a member?

Yes.

2. Does it appear to be a breach of the Code of Conduct?

Yes.

continues overleaf

Relevant sections

Paragraph 3(1) – You must treat others with respect.

Paragraph 2(b) – You must not bully any person.

Paragraph 2(d) – Do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

Paragraph 5 – You must not conduct yourself in a manner which could reasonably be regarded as bring your office or the council into disrepute.

Paragraph 6(a) – You must not use or attempt to use your position as a member improperly to confer on, or secure for yourself or any other person, an advantage or disadvantage.

3. Is enough information provided to investigate?

Yes.

4. Does the complaint merit further action?

Yes. There are serious allegations of bullying and disrespect towards officers, including senior officers.

5. Is the committee conflicted out or liable to judicial review if it is investigated?

No.

6. Is the complaint from the chief executive, monitoring officer or about the leader, leader of the opposition or elected mayor? If so, consideration must be given as to whether it be referred to the Standards Board for investigation.

The complainant is the leader, after having received a formal complaint from the chief executive. However, the committee wished to refer the matter for local investigation. If necessary it could be referred to the Adjudication Panel for England for sanctions.

Case J: Nettington Town Council, Councillor Gold

Summary

The complainant refers to the town hall at Nettington, which belongs to the town council, and where it is reported that the county registration service rents offices and Town Councillor Gold is employed as a registrar. It is reported that at the council meeting on 24 May 2004, Councillor Gold declared an interest in an agenda item regarding the town hall. It is further reported that in 2005, it was agreed in principle to hand the town hall over to a charitable trust, make a grant to the trust, seek legal advice and that Councillor Gold be one of three councillors to be on a joint working group with the trust.

Following legal advice, on 27 February 2006, the council “reaffirmed” earlier resolutions concerning the trust, with Councillor Gold voting in favour. It is also reported that after she became town mayor in May 2006, she put herself forward as the council representative on the trust. The complainant refers to a meeting between councillors and the trust which took place on 3 July 2006: she says she has asked for the minutes but has been told that it was an informal meeting, which was not the impression created beforehand.

The complainant has also provided a report of the “Nettington Town Hall Joint Working Group”, which includes Councillor Gold. It states that she had a final sight of the draft briefing for the solicitor who would be drawing up the draft lease for the town hall, which refers to the “need to agree continuing office space for the town clerk and use of the council chamber for meetings at a favourable rent and for the Registrar at the rent negotiated with the county council...” The complainant has also provided a covering memo from the town clerk which states that the brief will be discussed with Councillor Gold and other members.

It is thereby alleged that Councillor Gold has a conflict of interest between the town council and her employer, which rents her place of work from the council in the building whose future is under consideration, and that having previously acknowledged this, has subsequently become more closely involved in the issue without declaring an interest.

Filter process

1. Is the complaint about the conduct of a member?

Yes.

2. Does it appear to be a breach of the Code of Conduct?

Yes.

continues overleaf

Relevant sections

6(a) – You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.

9(1) – Where you have a personal interest in any business of the council and you attend a meeting of the council at which the business is considered, you must disclose to the meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

10(1) – Subject to paragraph 2 where you have a personal interest in any business of the council you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

3. Is enough information provided to investigate?

Yes.

4. Does the complaint merit further action?

Yes.

5. Is the committee conflicted out or liable to judicial review if it is investigated?

No.

6. Is the complaint from the chief executive, monitoring officer or about the leader, leader of the opposition or elected mayor? If not, refer for local investigation, outsource investigation, mediation or training need identified.

Whilst the committee felt that it did disclose a breach of the Code of Conduct, this identified a training need on the requirement of the member code of conduct, particularly in relation to declaring of interests.

Case K: Central Barton Urban Parish Council, Councillor Robert Paxton

Summary

The details of the case are summarised in the Standards Board for England's decision notice below. The complainant sought a review of the decision not to refer the matter for investigation. Members were asked to decide, in the light of the review request, whether that decision should be overturned or upheld.

The following is the Standards Board for England's original decision:

Decision Notice

Reference SBE16970.06

The complaint

The Standards Board for England recently received a complaint from Mr Peter Goodwin concerning the alleged conduct of Councillor Robert Paxton of Central Barton Urban Parish Council. Officers conducted an assessment and decided not to refer the complaint for investigation. The following summarises the general nature of the allegation:

It is reported that Councillor Paxton attended a meeting of Central Barton Place Making Group on 15 September 2006, and that the meeting was confidential. It is alleged that he took documents from the meeting and, with others, copies them with a covering letter to members of Grange Road (Freehold) Ltd. It is alleged that the letter sought to discredit the existing directors of the company and further Councillor Paxton's chances of being elected a director of the company.

In particular, it is alleged that architects acting for the directors of the company (including the complainant) sought informal officers' opinion on the possibility of building an on a plot at Eaton Mews. Unbeknown to the architects, the matter was discussed by the Place Making Group, with a sketch plan and a 3-D graphic.

Decision

Officers have obtained the terms of reference of the group when it was set up by Barton Partnership to assist in the exercise of its planning powers, and it is noted that the parish council, along with other parish councils and agencies, has a representative on the group. The preliminary inquiry has also confirmed that Councillor Paxton is appointed to the Place Making Group by Central Barton Urban Parish Council.



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Although the meetings may be “confidential” in the sense that they are not open to the public, that does not mean that all the things discussed there are confidential. It is also noted that the group brings together a number of stakeholders. It would be unlikely for a joint advisory panel of this diverse nature to be asked to consider sensitive information, unless by error, particularly as there is an expectation that representatives will liaise between the partnership and the bodies which appoint them. In this connection it is noted that the documents are not marked “confidential” or otherwise not for publication, as would normally be the case in local government if there was a risk that they might unintentionally enter the public domain.

It is considered that the allegations concerning the freehold and right-to-manage companies relate to Councillor Paxton’s private capacity.

The Standards Board for England has decided that the allegation should not be referred to an ethical standards officer for investigation. Having taken account of the available information we do not believe that a potential breach of the Code of Conduct is disclosed. We have made no finding of fact. We notify all concerned parties in writing once we have assessed a complaint. This decision notice is sent to the person or persons making the allegation, the member against whom the allegation was made, the monitoring officer of the relevant authority and the clerk to the parish council.

Review

At the request of the complainant, the Standards Board’s chief executive (or, in his absence, another senior officer) can review and change a decision not to refer an allegation for investigation. However, he will generally only do this if he is persuaded that the decision was unreasonable in law. This would be if the decision was flawed because of the irregular way in which we processed the allegation, or because we made an irrational judgement on the reported facts.

A request for the chief executive to conduct a review has to be made in writing. We must receive the complainant’s written request within 30 days of the date of this notice, explaining in detail on what grounds our decision should be reviewed.

If we receive a request for a review, we aim to deal with it within two weeks of receipt. We will write to all the parties mentioned above, notifying them of the outcome.

Pilot appeal process

Grounds for overturning a decision on appeal are:

(a) that the original decision is considered to be a flawed judgement because it is unreasonable in law or because the correct procedures were not followed

or

(b) the complaint has provided compelling new information in their review request.

Decision

The committee decided there was no flawed judgement and no compelling new evidence. The committee did not consider the information was confidential. The documents should have been marked “confidential”, which they weren’t. Therefore, the original decision was upheld and the appeal was refused.