

Standards Committee : 24 February 2009

Standards Board for England Case Summaries

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes / No or “not applicable” If yes give reason why N/A
Is it in the Council’s Forward Plan?	Yes/ No or “not applicable” If yes give date it first went in N/A
Is it eligible for “call in” by Scrutiny?	Yes/ No or “not applicable” If no give reason why not N/A
Cabinet member portfolio	Corporate

Electoral wards affected and ward councillors consulted: N/A

Public or private: Public

1. Purpose of report

To provide for the information of the Committee details of case summaries published by the Standards Board for England.

2. Key points

As an annex to this report are summaries of decisions of the Standards Board for England. The decisions relate to complaints considered by the Standards Board for England in to breaches of the member code of conduct.

3. Implications for the Council

It is useful for the Standards Committee to consider decisions made by the Standards Board for England as part of the ongoing learning experience into the new regime of local determination.

4. Consultees and their opinions

N/A

5. Officer recommendations and reasons

Members are asked to consider the case summaries and pick out any points of learning.

6. Cabinet portfolio holder recommendation

N/A

7. Next steps

N/A

8. Contact officer and relevant papers

Susan Betteridge
Head of Legal Services

Telephone: 01484 221720
Internal: 860 1720
E-mail: susan.betteridge@kirklees.gov.uk

Relevant papers: Decisions on the Standards Board for England website at <http://www.standardsboard.gov.uk>.

**SUMMARY OF RECENT DECISIONS BY
THE STANDARDS BOARD FOR ENGLAND**

**Liverpool City Council
SBE 20494.07 & SBE 21036.08**

The allegation was that the member had bullied another person, failed to treat others with respect and brought his office or authority into disrepute.

The complaint concerned the Council's Leader, in his actions towards the Chief Executive of the Liverpool Culture Company, in particular following the cancellation of a street festival.

It was alleged that the Council Leader:

1. Demanded in an email circulated to all members of his political group that the Council's Chief Executive suspend the Chief Executive of the Culture Company immediately;
2. Criticised the Culture Company's Chief Executive in the press following the festival's cancellation;
3. Personally treated the Culture Company's Chief Executive in a disrespectful and bullying manner, including a verbal attack in a meeting;

The Ethical Standards officer found that the Council's member officer protocol made it clear that it was quite proper for a member to inform the Chief Executive if they were concerned about a senior officer's performance, but the responsibility for handling the complaint lay with the Chief Executive and that the councillor could not direct the Chief Executive to comply with the request for suspension.

In considering whether the email sent to all members of his political group was a breach of the code by the Council Leader, the Ethical Standards Officer accepted the view that the Leader had sent the email in the heat of the moment and recognised that the relationship between any leader and chief executive of a council must allow for a full and frank exchange of views. The Ethical Standards Officer considered that in sending the email the Council Leader was not being deliberately malicious or insulting but was genuinely concerned about the Festival's cancellation. The Ethical Standards Officer did not therefore consider that the Council Leader failed to treat the Culture Company's Chief Executive with respect.

In terms of the criticism in the press following the festival's cancellation, the Ethical Standards Officer considered that the Council Leader would have been expected to comment on the festival's cancellation and it was not unreasonably of him to hold the Culture Company to account. The Council

Leader did not refer specifically to the Culture Company's Chief Executive in his interviews and therefore the Council Leader had not breached the Code of Conduct in that respect.

The Ethical Standards Officer found that in the meeting in which the Council Leader discussed the matter with the Culture Company's Chief Executive there was a heated exchange of views. However, as the most senior officer in the Culture Company, it's Chief Executive should be able to handle criticism from the Council Leader in a private meeting and be prepared for robust discussion. The Ethical Standards Officer did not therefore conclude that the Council Leader had bullied the Culture Company's Chief Executive.

The Ethical Standards Officer considered that during the period under investigation, the Council Leader's conduct occasionally suggested lack of good judgement and that it contributed to the Culture Company's Chief Executive feeling undermined in his role. However, in considering whether the Council Leader's conduct brought his office or authority into disrepute, the Ethical Standards Officer recognised the pressure that the Council Leader was under to deliver such a high-profile event as the Capital of Culture, and that the deterioration of his relationship with the Culture Company's Chief Executive was played out in the most public of arenas. While some of the Council Leader's actions could be said to have damaged his personal reputation, for conduct to be disreputable to a member's office or authority there must, in the Ethical Standards Officer's view, generally be some additional element pointing to a lapse in standards such as an improper motive, unlawfulness, the hope of personal gain or gratuitously offensive behaviour. Based on the evidence the Ethical Standards Officer saw, she did not consider this to be the case here.

The Ethical Standards Officer found that no further action was necessary.

Long Lawford Parish Council SBE-01631-ZH25A

The allegation was that the member failed to treat others with respect, brought their office or authority into disrepute, and misused the authority's resources.

The complainant, a member of the public, alleged that the councillor had written a letter containing untrue statements about her to a fellow councillor, and that he should not have written the letter without the parish council's authority.

The Ethical Standards Officer investigated the circumstances that led to the councillor writing the letter and also its contents.

The letter referred to the complainant as a "disruptive influence at meetings". The Ethical Standards Officer concluded that Councillor Draper had reasonably come to the view that this was the case based on two parish council meetings. Therefore the Ethical Standards Officer did not consider the remark in a letter to be disrespectful towards the complainant.

The councillor also referred to the complainant's emails being blocked by both the borough and county councils. The complainant stated, correctly, that her

emails had not in fact been blocked by the county council. However the Ethical Standards Officer considered that as the complainant's emails had been blocked by the borough council, the councillor's inaccurate claim was not damaging to the complainant's reputation. The Ethical Standards Officer found that the councillor had not acted disrespectfully and had not brought his office or authority into disrepute.

The Ethical Standards Officer also considered that, as chair of the parish council, the councillor had been entitled to write such a letter to a fellow councillor. Accordingly, the Ethical Standards Officer found that the councillor did not fail to comply with the code of conduct.