

## Standards Committee: 12 January 2010

### Adjudication Panel for England Decisions

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

Electoral wards affected and ward councillors consulted: N/A

Public or Private: Public

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#### **1. Purpose of Report**

To provide for the information of Committee details of a recent decision of the Adjudication Panel for England

#### **2. Key Points**

As an annex to this report is a summary of a decision of the Adjudication Panel for England.

#### **3. Implications for the Council**

It is useful for the Standards Committee to consider decisions made by the Adjudication Panel for England as part of the continuing learning process into the new regime of local determination of standards complaints.

#### **4. Consultees and their opinions**

N/a

#### **5. Officer recommendations and reasons**

The decision summary be circulated to all members of the Council.

#### **6. Cabinet portfolio holder recommendation**

N/a

#### **7. Next steps**

N/a

#### **8. Contact officer and relevant papers**

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Background Papers: Decisions on the Adjudication Panel for England website  
at <http://www.adjudicationpanel.tribunals.gov.uk/Public/Decisions.aspx>

**SUMMARY OF RECENT DECISIONS OF  
THE ADJUDICATION PANEL FOR ENGLAND**

The decision is set out in full on the Adjudication Panel for England's website at [www.adjudicationpanel.tribunals.gov.uk](http://www.adjudicationpanel.tribunals.gov.uk), where it can be found under "Decisions" by its reference numbers.

**APE 0441 – Pendle Borough Council**

This case was an appeal against the finding of the standards committee that the Appellant councillor had breached his town council's code of conduct by failed to treat others with respect by using the words *'It is you who owe the apology as you are the liars. The CPS got it wrong. You are the guilty ones.'* in responding to a question from a member of the public at a meeting of his town council.

The Panel took the view that there were aspects of the evidence which suggest that the Appellant might have been justified. The two councillors who made the complaint against the Appellant and the member of the public whom they alleged was treated with disrespect were the co-producers and/or authors of an election leaflet which led to the Appellant making a complaint to the Police. The leaflet contained inaccurate information in respect of a person who appeared to have been identifiable from the information given in the leaflet and the Police took the complaint seriously enough to interview persons under caution and to refer the matter to the Crown Prosecution Service, but the Crown Prosecution Service decided not to proceed on the basis that there was no personal slight in the report of an inflated and exaggerated allowance. The Panel took the view that it could be argued that the CPS decision not to proceed was wrong. The untruthful matters in the leaflet could easily have been checked against public records of allowances claimed and expenses received. The Appellant used the words when asked for an apology for pursuing the matter with the Police.

The Panel allowed the appeal.

Commentary

This decision takes a different approach to the decision in APE 0427 where a different APE panel ruled that it did not have to decide whether an allegation that people were "proven liars" was true in order to decide the issues.