



*25 June 2019 (*as amended on 26 July 2019 – see note below)*

MEDIA RELEASE

COUNCILLOR SUSPENDED FOR NOT REGISTERING AND DECLARING AN INTEREST

A Fife councillor, Linda Holt, was suspended by the Standards Commission at a public Hearing held in Glenrothes on 25 June 2019, from all committee and sub-committees of Fife Council that make decisions on quasi-judicial or regulatory matters, for two months, for failing to register an interest as a former member of a national campaign group, Scotland Against Spin (SAS) and for failing to declare the interest at a planning committee meeting on 30 May 2018, when an application for renewal of planning consent for a wind turbine was being considered.

Cllr Holt accepted that she should have registered her interest. After weighing up the evidence the Panel decided that she should also have declared the interest at the planning committee meeting on 30 May 2018 and not taken part in the discussion on the planning application. This is because even after resigning from SAS before being elected, Cllr Holt continued to express her public views about wind farms.

Mrs Tricia Stewart, Standards Commission Member and Chair of the Hearing Panel, said: "The need to register and declare certain interests is a very important part of the Councillors' Code of Conduct as it gives the public confidence that planning decisions are being made entirely on merit and are not influenced by any councillor's own interest in the matter.

"Registering and declaring interests provides transparency and helps maintain the public's confidence that a councillor's personal interests will not influence their discussions and decision-making. The public must have confidence that councillors are considering any planning application objectively, on its individual merits."

"The Panel considered that not only should Cllr Holt have registered her interest in SAS, she should also have declared it at the planning meeting and should have taken no part in the discussion and voting on the planning application in question".

The Panel heard that Cllr Holt accepted that she had been quoted in two BBC reports dated 5 October 2016 and 2 November 2016, respectively, as being a spokesperson for SAS. The Panel noted that while Cllr Holt's position was that she had resigned as spokesperson in October 2016, some six months before the election, she remained the Administrator for SAS's Facebook page and referred, on her website, to her involvement with the organisation as a lobbyist.

The Panel heard that Cllr Holt further accepted that, on 31 May 2017, a national newspaper had published a letter that she had submitted in which she had designated herself as a councillor and had indicated strong views about issues relating to wind farms.

The Panel was of the view that a member of the public would reasonably consider that Cllr Holt's involvement with such pressure group, along with her own publicly stated views on the alleged saturation of wind farms, could affect her discussion or decision-making on any matters concerning the use of wind turbines. Given Cllr Holt's ongoing involvement with SAS and the fact that the application in question concerned planning permission for a wind turbine, the Panel was not persuaded that her interest was too remote or insignificant to require a declaration. While the Panel noted that Cllr Holt may have believed that she was able to consider the application in question on its merits, it determined a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant as being likely to prejudice her discussion and decision-making.

The Panel concluded that Cllr Holt had breached the Councillors' Code of Conduct.

A full written decision of the Hearing will be issued and published on the Standards Commission's website within 14 days.

All councillors have a personal responsibility to adhere to the provisions outlined in the Councillors' Code of Conduct, which is based on nine key principles, including, integrity, honesty and respect.

The Standards Commission for Scotland is an independent public body, responsible for encouraging high standards of behaviour by councillors and those appointed to boards of devolved public bodies.

The public bodies include colleges, National Health Service boards and regional bodies, such as the Highlands and Islands Enterprise.

It also covers national organisations like the Scottish Qualification Authority, Sport Scotland and Scottish Water, among many others.

Further information on the role of the Standards Commission for Scotland can be found at <http://www.standardscommissionscotland.org.uk/>

** Note: This press release was amended on 26 July 2019 to make it clear that Cllr Holt's two-month suspension was a partial one in that it only related to all committee and sub-committees of Fife Council that make decisions on quasi-judicial or regulatory matters.*

ENDS

Issued by the Standards Commission for Scotland. For further information please contact the Standards Commission on 0131 348 6666 or enquiries@standardscommission.org.uk



11 July 2019

MEDIA RELEASE

MIDLOTHIAN COUNCILLOR CENSURED FOR BREACH OF THE COUNCILLORS' CODE OF CONDUCT

A Midlothian councillor, Colin Cassidy, was censured by the Standards Commission at a public Hearing held in Dalkeith on 10 July 2019 for failing to comply with the Councillors' Code of Conduct at a meeting of Midlothian Council's Planning Committee on 3 April 2018 when a planning application by Dalkeith Lawn Tennis Club for the erection of screen netting was being considered. Objections to the application had been made by the owners of an adjacent house on the grounds that the netting would reduce the light to their property.

Cllr Cassidy remained in the room and took part in the decision-making on the proposal, despite in the past having been a member of the tennis club and on its Committee; having undertaken work for the club in terms of renewing the fencing; having lent equipment to the club; still having friend who were members of it; and having been to the objectors' property to move blaise material at the request of the club. The Panel also heard that Cllr Cassidy had previously put up and taken down the netting between the club and the objectors' property, and had also got to know the objectors while undertaking the work to move the blaise and also through joint membership of various community groups.

Prof Kevin Dunion, Chair of the Hearing Panel, said: "It is essential for the public to have confidence that councillors are making planning decisions objectively and in the public interest. The public must have confidence that councillors are not likely to be influenced by any significant association or relationship they may have with the parties.

"The test is not whether the Councillor believes he will not be influenced by such relationships. The key consideration is one of public perception, and in this case whether a member of the public, with knowledge of the relevant facts, would reasonably conclude that Cllr Cassidy's relationship both with the Tennis Club and the objectors could be sufficiently significant as to affect his discussion or decision-making of the planning application.

"The requirement to consider how any interests may reasonably be perceived by members of the public is a fundamental part of the Councillors' Code of Conduct.

"The public must be satisfied that councillors are considering any planning application on its individual merits, and that there is no question of any unfairness or bias towards any party."

The Panel noted the Code provides that councillors must declare any non-financial interests and are obliged to withdraw from the meeting in question if an interest in any item being debated was clear and substantial. In making such an assessment, councillors must comply with the 'objective test' and consider whether a member of the public, with knowledge of the relevant facts, would reasonably conclude that the councillor's interest could be sufficiently significant as to affect his or her discussion or decision-making.

The Panel accepted that Dalkeith was a small community, which meant that it was inevitable that Cllr Cassidy would know people and attend the same events. The Panel considered, however, that having taken Cllr Cassidy's relationship with both the tennis club and the objectors into account, that a member of the public, with knowledge of these relevant facts could reasonably have concluded that he had an interest in the matter before the Planning Committee that was sufficiently significant as being likely to affect his discussion or decision-making.

The Panel was not satisfied, therefore, that Cllr Cassidy had complied with the objective test under paragraph 5.3 of the Code and that he had given it sufficient consideration. It concluded that Cllr Cassidy's failure to do so amounted to a breach of the Code and censured him.

The full written decisions in respect of the Hearing will be issued and published on the Standards Commission's website within 14 days.

The Code of Conduct is based around nine key principles, including, integrity, honesty and respect.

The Standards Commission for Scotland is an independent public body, responsible for encouraging high standards of behaviour by councillors and those appointed to boards of devolved public bodies.

The public bodies include colleges, National Health Service boards and regional bodies, such as the Highlands and Islands Enterprise.

It also covers national organisations like the Scottish Qualification Authority, Sport Scotland and Scottish Water, among many others.

Further information on the role of the Standards Commission for Scotland can be found at <http://www.standardscommissionscotland.org.uk/>

ENDS

Issued by the Standards Commission for Scotland. For further information please contact the Standards Commission on 0131 348 6666 or enquiries@standardscommission.org.uk

886. Screening of Complaint CCC/2019/001

- [View the reasons why item 886. is restricted](#)

The Committee is requested to consider a complaint relating to Councillor conduct.

Minutes:

Discussion:

The Monitoring Officer introduced a report which detailed two complaints received on 6 and 21 February 2019 relating to a Medway Councillor. The Committee considered the complaint as detailed in section 2 of the report, along with the full complaint submissions, which were appended to the report.

Decision:

The Committee agreed to take no further action in relation to complaint CCC/2019/001, as having completed the Screening Process, the Committee determined that the complaint related to activity that occurred more than six months ago and it considered there to be no exceptional circumstances to justify further consideration of the complaint.



ASSESSMENT DECISION NOTICE

A BREACH OF THE CODE HAS BEEN FOUND

ACTION REQUIRED

Reference: CCN001/19/20

Complainant: Mr and Mrs Poland

Subject Member: Cllr John Hicks, St. Allen Parish Council

Person conducting the Assessment: Eleanor Garraway, Corporate Governance Officer

Date of Assessment: 4 July 2019

Complaint

On 4 July 2019 the Monitoring Officer considered a complaint from Mr and Mrs Poland concerning the alleged conduct of Cllr John Hicks of St. Allen Parish Council. A general summary of the complaint is set out below:

The Complainants have alleged since the Decision Notice of CCN039/18/19 dated 28 May 2019 was issued, which found the Subject Member to be in breach of the Code of Conduct and asked to apologise to the Complainant one, the Subject Member has failed to apologise and therefore has again failed to treat the Complainant with respect.

Decision and Action

Due to the failure to provide Complainant one with a written apology within 28 days of Decision Notice CCN039/18/19 the Subject Member has breached the Code of Conduct for St. Allen Parish Council.

As a result of this breach of the Code of Conduct the recommended action is that the Subject Member be censured by St. Allen Parish Council.

Breaches of the Code Found

- 2.1 You must treat others with respect
- 2.10 You must not do anything that could reasonably be regarded as bringing your office or your authority into disrepute
- 2.5 You must not conduct yourself in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct by Members.

Reasons

In assessing this complaint I have had regard to the following:

- The complaint; and
- The views of the Independent Person assigned to this matter.

No response has been received to the complaint from the Subject Member, though the Subject Members response to Decision Notice CCN039/18/19 has been noted and the further request for a review of this decision was rejected.

For the purpose of this Notice I will be distinguishing the two Complainants as Complainant One and Complainant Two.

The Complainants have alleged the following;

The Complainants have alleged since the Decision Notice CCN039/18/19 was issued, which found the Subject Member to be in breach of the Code and asked him to apologise to Complainant one, the Subject Member has failed to do so or make contact in way.

It is further alleged that the Complainants have spoken to the Clerk to St. Allen Parish Council who advises that the Subject Member has failed to attend Code of Conduct training as recommended in Decision Notice CCN039/18/19. This aspect of the original Decision Notice has not been considered in carrying out this current assessment as when the original Decision was written, the Subject Member was given a period of 6 months to comply with this recommended action, it is noted that this 6 month period has not yet lapsed.

This Decision Notice should be read in conjunction with Decision Notice CCN039/18/19 which set out that the Subject Member's actions which equated to the Subject Member having breached the following paragraphs of the Code of Conduct;

3.5 Failure to declare an interest

2.1 You must treat others with respect

2.4 You must not intimidate or attempt to intimidate others

2.10 You must not do anything that could reasonably be regarded as bringing your office or your authority into disrepute

Para 2.5 You must not conduct yourself in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct by Members.

The sanctions applied in Decision Notice CCN0039/18/19 are as follows:

The Subject Member should apologise in writing within 28 days of this Notice to the both Complainants for the way in which he approached Complainant One during and after the Parish Council meeting on 17 December 2018.

It is further recommended that the Subject Member attend Code of Conduct training within 6 months from the date of the Notice for the failure to declare a non-registerable interest and should take not part in any discussions relating to this footpath in the future.

In considering the application of the Code;

2.1 You must treat others with respect

For a breach of this part of the Code to be found it has to be shown that there has been a personal attack on a person by a member, or whilst the Code does allow a member to be critical of people, a member cannot conduct themselves in such a way that is personal and/or disrespectful.

When considering if there has been a breach of this, or any part of the Code, the matter is assessed on the balance of probabilities; is it more likely than not that a reasonable person would be of the opinion that the conduct of the Subject Member was such that it was a breach of the Code after viewing the facts objectively.

In undertaking the original assessment it was considered that the above points had been satisfied sufficiently for a breach of the Code to be found. As a result the Subject Member was asked to apologise for the manner and tone which he spoke to Complainants one.

There was, due to the conduct of the Subject Member, an expectation on the part of Complainant one that an apology would be given, however, with no apology given the Complainant has then limited ways to directly seek redress against the Subject Member, other than to submit a further complaint.

After reviewing the facts it is not considered that the request for an apology was a unreasonable one and that the action set out in CCN005/17/18 was appropriate.

The Complainants have advised that no apology or any contact in any way has been forthcoming since the original Decision notice which was dated 26 February 2019.

Therefore by failing to apologise to Complainant One as required in Decision Notice CCN039/18/19 the Subject Member has failed to treat the Complainant with respect and therefore has breached paragraph 2.1 of the Code of Conduct for Cornwall Council.

2.10 - You must not do anything that could reasonably be regarded as bringing your office or your authority into disrepute

For this part of the Code to be breached a reasonable person in possession of all the facts would need to be satisfied that the Subject Member's standing in the local community would be damaged by his actions.

By failing to apologise to Complainant One it is considered that a reasonable person would be of the view that this would add weight to Subject Member's standing in the local community being damaged.

As a result it is considered that the Subject Member has brought his office, but not his authority into disrepute by failing to apologise to Complainant one and therefore has breached paragraph 2.10 of the Code of Conduct.

Para 2.5 - You must not conduct yourself in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct by Members

For the reasons set out above I consider the Subject Member to have failed to adhere to the general principles of public life underpinning the Code. As a consequence of that and having found a breach of paragraphs 2.1 and 2.10 of the Code it follows that the Subject Member has conducted herself in a manner contrary to the Council's statutory duty to promote and maintain high standards of conduct by members and the Subject Member has therefore breached paragraph 2.5 of the Code of Conduct.

Actions to remedy the breach

Whilst the Subject Member has not responded directly to this complaint I have noted his earlier views on the matter but do not consider that this would outweigh the request for an apology.

I have also noted the views of the Independent Person assigned to this matter with regards to the Subject Members conduct.

In taking into account all of the above it is considered that, due to the failure to provide Complainant one with an apology within 28 days of Decision Notice CCN039/18/19, the Subject Member has breached the Code of Conduct for St. Allen Parish Council as is set out in this Notice.

As a result of this breach of the Code of Conduct the recommended action is that the Subject Member be censured by St. Allen Parish Council.

What happens now?

This decision notice is sent to the Complainants, the member against whom the allegation has been made and the Clerk to St. Allen Parish Council.

Right of review

At the written request of the Subject Member, the Monitoring Officer can review and is able to change a decision not to refer an allegation for investigation or other action. A different Officer to that involved in the original decision will undertake the review.

We must receive a written request from the subject member to review this decision within 15 days from the date of this notice, explaining in detail on what grounds the decision should be reviewed.

If we receive a request for a review, we will write to all the parties mentioned above, notifying them of the request to review the decision.

It should be noted reviews will not be conducted by the same person who did the initial assessment.

Additional help

If you have difficulty reading this notice we can make reasonable adjustments to assist you, in line with the requirements of the Equality Act 2010.

We can also help if English is not your first language.

A handwritten signature in cursive script, appearing to read 'E. Garraway'.

Eleanor Garraway
Corporate Governance Officer
On behalf of the Monitoring Officer
Date: 4 July 2019

INITIAL ASSESSMENT OF COMPLAINT DECISION NOTICE

Subject Member: Cllr Lucy Nethsingha – Cambridgeshire County Council

1. Background

- 1.1. On 16th December 2018 the Monitoring Officer received a formal complaint from Councillor Count ("the Complainant"), alleging that Cllr Nethsingha ("the Subject Member") had breached the Cambridgeshire County Council Code of Conduct.
- 1.2. The substance of the complaint relates to an online article published by Cambridgeshire Live on 9th November 2018 and subsequently then discussed on Radio Cambridgeshire. In particular it is alleged that Councillor Nethsingha had used the following words "not safe", 'not a safe or sensible solution' and 'horrendous' without basis and in direct opposition to the information supplied by officer. It is alleged that by so doing Cllr Nethsingha had implicitly implied that the Council had put a person at risk and that that conditions arranged for the person in question were below an acceptable standard which is denied.

2. Evidence Considered

- 2.1. The following documents and information were considered for the purposes of this initial assessment of this complaint:-
 - 2.1.1. Complaint sent by email on 5th February 2019 together with the links referred to therein;
 - 2.1.2. Responses from the Subject Member sent by email on 5th to 7th February 2019; and
 - 2.1.3. The Council's Members' Code of Conduct.

3. Jurisdiction

- 3.1. For a complaint to be considered in connection with the Member's Code of Conduct, the following test must be satisfied:
 - 3.1.1. the complaint was made against a person who, at the time the alleged action took place, was a member of Cambridgeshire County Council; and
 - 3.1.2. the Subject Member had signed up to the Members' Code of Conduct in force at the time the alleged action took place; and
 - 3.1.3. the Subject Member was conducting the business of their authority or acting, claiming to act or giving the impression of acting as a representative of the authority.

- 3.2. The Independent Person and Deputy Monitoring Officer have concluded all three limbs of this test are satisfied in this matter.

4. Initial Assessment Decision

- 4.1. The Independent Person has considered whether the actions of the Subject Member described in paragraph 1.2 above constitutes a breach of the following provisions of the Members' Code of Conduct:

- 4.1.1. You must treat others with respect (para 2.1 Code of Conduct);
- 4.1.2. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute (para 2.2(e) Code of Conduct.

- 4.2. The complaint and subject member's response can be summarised as follows:

- 4.2.1. Councillor Count alleges that Councillor Nethsingha has failed to treat officers with respect by disregarding the information that was shared with her relating to the circumstances of the individual concerned. In particular it is said that whilst assurances were given that the individual was safe and receiving 24 hour care Councillor Nethsingha's comments to the media were not reflective of that and were sufficiently sensationalised as to cause reputational damage to the council.
- 4.2.2. Councillor Nethsingha contends that she does not believe that the circumstances the individual was in prior to her being removed was safe as supported by the fact that she was relocated to the Travelodge. Furthermore she does not consider that a Travelodge is suitable accommodation for an individual suffering from advanced dementia. Councillor Nethsingha has explained that her use of the term 'horrendous' was intended to apply to the situation and not the hotel itself. Furthermore it remains her view that for a care-worker to be looking after an active individual with dementia in a hotel would be pretty awful and has great concern for anyone put in that situation. Councillor Nethsingha has confirmed that she did not intend to blame individual council employees for the circumstances and she acknowledges being aware that there were difficulties in managing this case. Her concern however was that the system is not sufficiently well resources and the financial pressures and staff workload pressures in her view are leading to poor decision making in some cases. To that end Councillor Nethsingha believes the financing of the social care system, and the workload of social work staff to be a matter for legitimate political debate, and thus entirely within her role as Leader of the Liberal Democrat group.

- 4.2.3. Councillor Nethsingha has also sought to clarify aspects of the complaint as follows:
- 4.2.3.1. "Councillor Count's assertion: "Not safe" Cllr. Nethsingha has implicitly implied we have put a person at risk. I said "I am concerned that the county council is pretending that it can manage this shortage by caring for people in their homes, when in fact that is not a safe or sensible solution" — that is a general point, and by definition not even related to the situation of the lady in the Travelodge.
- 4.2.3.2. Councillor Count asserts: "Not safe or sensible solution" Cllr. Nethsingha has implicitly implied our actions allow us to continue to put individuals at risk. As above, and entirely legitimate matter for political debate.
- 4.2.3.3. Councillor Count asserts: "Horrendous" Cllr. Nethsingha has implicitly implied that the conditions we arranged for this person to temporarily live in were far below what would be an acceptable standard. I said "I don't know how long she was in a Travelodge with her carer, but the idea of having to care for someone in this state in a Travelodge, even for a few days, is pretty horrendous". That's a comment about how difficult it would be for the carer to have to care for someone with this condition in a hotel."
- 4.2.4. Councillor Nethsingha has declined to apologise or retract her statement.
- 4.3. The Independent Person and Deputy Monitoring Officer, having considered all of the available evidence, have concluded as follows:
- 4.3.1. As to the question of whether Councillor Nethsingha has failed to treat others with respect; it was felt that the comments made were not designed with the deliberate intent to be disrespectful. It is however acknowledged that the views of officers who had provided reassurances were disregarded for the purpose of the article which could be construed as undermining the integrity of their views. This is balanced again the fact that no individuals were personally named and, as per Councillor Nethsingha's response, many of the comments were intended to be considered in the 'broader' sense as opposed to specifically in relation to this particular case. Nevertheless it is acknowledged that officers may have felt devalued by the comments made and whilst this is unlikely to have been the intended consequence is something which must be considered in future.

4.3.2. As to the question of whether Councillor Nethsingha has behaved in a way that could reasonably be regarded as bringing herself or the authority into disrepute; it is acknowledged that the comments made were of a critical nature and had the effect of highlighting concerns generally and in relation to the particular individual associated with the article. Councillor Nethsingha however contends that her comments did not go beyond those which she is reasonably entitled to make in a political arena and as the Leader of the Liberal Democrats. Whilst this is acknowledged, the words published have again to be considered in conjunction with the advice that was given by officers.

4.4. In summary the Independent Person's view is that:

4.4.1. In respect of the allegation of Cllr Nethsingha having failed to treat others with respect, whilst it is clear that there are lessons to be learnt it is not considered that this reaches the threshold for further investigation.

4.4.2. In respect of the allegation that Cllr Nethsingha is guilty of bringing herself/Cambridgeshire County Council into disrepute, whilst in the overall context it is considered that the remarks don't go far enough to amount to a breach of the code, there is a very fine line to be drawn and care should always be taken to ensure the accuracy of the information published.

4.5. As a consequence of the above, the Independent Person advised that in her opinion there was no apparent breach of the Code of Conduct and therefore no further action should be taken.

4.6. The Deputy Monitoring Officer concurs and therefore no further action will be taken.

Approved By: Gill Holmes (Independent Person)
Amy Brown (Deputy Monitoring Officer)

Dated: 26th March 2019

STOCKTON ON TEES BOROUGH COUNCIL

STANDARDS PANEL

SHORT WRITTEN DECISION

1. SUMMARY OF ALLEGATION

That Councillor Mark Chatburn ("the Councillor") disclosed legally privileged information, namely Counsel's Opinion, given in confidence to Members of Stockton on Tees Borough Council's ("the Council") Planning Committee in connection with an application for planning permission for residential development (13/2184/OUT) in relation to a site at Urlay Nook Road, Eaglescliffe, Stockton on Tees.

2. RELEVANT SECTION OR SECTIONS OF CODE OF CONDUCT

That as a result there was a breach of paragraph 6 of the Council's Code of Conduct for Members.

3. SUMMARY FINDINGS OF FACT

- (i) The Councillor was sent a legally privileged advice note prepared by Counsel and this was provided to him in confidence under cover of a letter dated 5 November 2013. The letter included specific advice that the legal advice was exempt information and "must not be shared with anyone who is not also a Member of the Planning Committee as this would be a breach of the Members' Code of Conduct and may further prejudice the Council's position at the forthcoming appeal".
- (ii) The Councillor did not seek advice from any Council Officer as to whether the publication of the privileged legal advice was appropriate, whether it may be in breach of the Code or whether it may prejudice the Council's position in relation to the current planning appeal.
- (iii) The Councillor did not obtain written authority from the Council to disclose the information by the publishing of the privileged legal advice.
- (iv) On 9 November 2013 the Councillor published a blog posting entitled "How Stockton Council is trying to manipulate it's own Planning Committee" which included an un-redacted copy of the privileged legal advice from Counsel which had been provided to the Councillor in confidence as a Member of the Planning Committee.

- (v) On 9 November 2013 the Councillor posted a link to his published blog post and therefore to the privileged legal advice via his Twitter account.
- (vi) The Councillor was acting in his capacity as an elected Member when publishing information on his blog and his Twitter account.

4. SUMMARY FINDINGS AS TO WHETHER THE MEMBER FAILED TO FOLLOW THE CODE

That the Councillor knowingly disclosed privileged legal advice provided to him in confidence, and which was marked as exempt information, and that the publishing of this information constituted a breach of paragraph 6 of the Council's Code of Conduct for Members.

5. SANCTIONS APPLIED (IF ANY)

The Standards Panel:-

- (i) agreed that the allegation should be considered in public and that there were no justifiable reasons why it should be considered (either partly or wholly) in private.
- (ii) noted that the Councillor was aware of the Panel's meeting, that the meeting had been rearranged to a date he could attend, but that he had not attended.
- (iii) agreed to proceed to consider the allegation in the Councillor's absence.
- (iv) having considered the report of the Investigating Officer, the Investigating Officer's submissions, and having sought and considered the Independent Person's views, determined that the Councillor knowingly disclosed legally privileged advice that had been provided to him in confidence, and which was marked as exempt information under paragraph 5 of Schedule 12A of the Local Government Act 1972; that the publishing of this information in the public domain by placing a copy of the privileged legal advice on the Councillor's blog, and by linking that blog to the Councillor's Twitter account, did not fall within any of the exemptions specified in paragraph 6(a)-(d) of the Council's Code of Conduct for Members, and that it therefore constituted a breach of paragraph 6 of the Code.
- (v) noted the Councillor's unwillingness or refusal to accept responsibility for the breach of the Code, and his unwillingness or refusal to agreed to abide by the Code in the future, in similar or the same circumstances.

- (vi) noted that the breach of the Code was deliberate and blatant and that the disclosure was of not just confidential or exempt information, but legally privileged information; and that the breach was aggravated by its likely impact in relation to the planning and appeal process.
- (vii) noted that the Councillor had shown no remorse, but rather to the contrary had indicated that he would do it again without hesitation, and that he had demonstrated scant regard for the pre-hearing and hearing process.
- (viii) considered that the Councillor's actions represented unacceptable behaviour for a Councillor.
- (ix) agreed that a notice, signed by the Chair of the Panel, and summarising the Panel's decision should be sent to the Councillor as soon as reasonably practicable and that a copy of the notice should thereafter be published in a prominent place at the Council's Municipal Buildings, and on the Council's website.
- (x) agreed that details of the Panel's decision should be reported to a full Council meeting and to a meeting of the Planning Committee.
- (xi) determined that the Councillor should be asked to provide written reassurance within two weeks of receiving the written notice of the Panel's decision, that he would not repeat the failure to comply with the Council's Code of Conduct in the same or similar circumstances, and that in the absence of such written reassurance the Councillor should not be provided by, or on behalf of the Council with any exempt, confidential, or legally privileged council information for the remainder of the Councillor's current term of office.
- (xii) agreed that the Councillor should be provided with appropriate advice and guidance regarding paragraph 6 of the Code of Conduct, including a copy of the Council's Confidential Information Protocol.
- (xiii) asked that the Council's Confidential Information Protocol be re-issued and re-circulated to all Members in light of the Councillor's breach of the Code of Conduct and the Panel's decision in that respect.



Chair of the Standards Panel held on 2nd May 2014

Dated: 7 May 2014