



Name of meeting: Standards Committee

Date: 15th March 2022

Title of report: Cases and News Update

Purpose of report

To brief the standards committee on any news and cases of interest since September 2021.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	not applicable
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	no
The Decision - Is it eligible for call in by Scrutiny?	no
Date signed off by Strategic Director & name	Rachel Spencer-Henshall
Is it also signed off by the Service Director for Finance IT and Transactional Services?	Eamonn Croston
Is it also signed off by the Service Director for Legal Governance and Commissioning Support?	Julie Muscroft
Cabinet member portfolio	Cllr Paul Davies

Electoral wards affected: All

Ward councillors consulted: None

Public or private: Public

Has GDPR been considered? Yes

1. Summary

- 1.1 This report is intended to brief members on any developments and news on matters of local government ethics.
- 1.2 It will look at news items and any relevant case law, as well as any recent published decisions from other local authorities or any of the existing standards boards.
- 1.3 It will also provide an update on the work of the CSPL that follows on from their report 'Ethical Standards in Local Government'.

2. Information required to take a decision

2.1 News since September 2021

- 2.1.1 A number of sources have been checked for details of any news items that are of relevance or may be of interest to the committee.
- 2.1.2 These include Local Government Lawyer, Lawyers in Local Government, the various standards boards' websites, websites of other local authorities as well as local and national media.
- 2.1.3 There are a number of articles, from various sources, which may be of interest to the committee, even if all are not directly relevant to the work of the committee. Copies of the articles are at appendix A, but the following are of particular interest.
- 2.1.4 In February 2022, it was reported that a Vale of Glamorgan Councillor was found to be in what was described as a 'serious breach' of the Code of Conduct, following his opening of a business without planning permission. Despite being a member of the Planning Committee, Cllr Leighton Rowlands claimed that he had limited knowledge of planning law.
- 2.1.5 Also in February 2022 an investigation into allegations about the elected mayor of Middlesbrough found that these were unfounded. It was suggested by the mayor that an internal investigation was closed, only to be reopened when a local MP made a formal complaint. There appears to be some history of animosity that may have contributed to the complaint.
- 2.1.6 In January, it was reported by the BBC that Newport City Council has said that it has no powers to remove a councillor who had been convicted of soliciting.
- 2.1.7 Southwark Council reported in January that a former Cabinet member had breached the Code of Conduct by running an anonymous account

on Twitter that he used to respond to comments about housing developments. The council engaged Bevan Brittan to provide an independent investigation and report. The report found that the tweets themselves did not breach the Code of Conduct but that, by acting anonymously, the member had breached the Code.

2.1.8 In November, it was reported that Jeremy Corbyn had received an apology and substantial damages from a councillor who published a fake picture of him, following the terrorist attack in Liverpool.

2.1.9 Also in November an MP lodged a formal complaint with Ashfield District Council after having been called a moron by the Council's Leader. At the time of making the complaint the Councillor had already apologised, but also made a comment about the use of Parliamentary privilege by the MP to call other people morons.

2.2 Recent published decisions

2.2.1 Some Local Authorities in England publish their decisions on member complaints, as do the Standards Boards in Wales, Scotland and Northern Ireland.

2.2.2 The Standards Commission for Scotland has continued to work, holding hearings remotely.

2.2.3 Since September 2021, the Commission has held a total of 3 standards hearings, all of which held that no breach had taken place. A copy of the press releases are at Appendix B, with full details of the allegations and findings.

2.2.4 There have been a total of 9 cases that were referred to the Commission where, following investigation, no further action was taken.

2.2.5 The Commissioner for Standards in Northern Ireland has had 3 cases referred to it since September 2021.

2.2.6 In 2 of these cases, a hearing is yet to be fixed and the 3rd case is recorded as having been 'closed by alternative action'. This arose as the Commissioner held a pre-adjudication hearing to deal with procedural matters and to explore alternative ways to resolve the complaint, at which the Councillor complained of accepted the conclusions of the report and agreed to take action in respect of the complaint. A copy of the Commissioners notice is at Appendix B.

2.2.7 The Public Services Ombudsman for Wales no longer publishes its 'Code of Conduct Casebook'. Instead, it now publishes its finding directly to its website.

- 2.2.8 Since the last report, there have been no Code of Conduct cases referred to the Ombudsman.
- 2.2.10 In England, publication of decisions still remains discretionary, although the CSPL did support publishing these, so it may be the case that we see more decisions from English local authorities being published in due course.
- 2.2.11 There is in general a lack of cases published on English local authority websites in this period and none of interest have been found.

2.3 Case Law

- 2.3.1 There has been no reported relevant case law since the last report.

2.4 The work of the Committee on Standards in Public Life

- 2.4.1 The CSPL have been fairly quiet in follow up work to their 2019 report, but this is largely due to the fact that they are still in the position of having to wait for a formal government response.
- 2.4.2 Since the last report, the CSPL have published the minutes of their meeting held on the 16th of December in which it was noted that the Chair had met with a government Minister (Kemi Badenoch) to enquire about a formal response. It was reported that it was confirmed that a response was in hand, but there was indication of when that response would be forthcoming.
- 2.4.3 The minutes of the 15th July 2021 meeting were published in December 2021 and make reference to the report, stating that '*The indications were now that the government would respond to the Local Government Ethical Standards 2019 report after the summer recess. Members were frustrated with this delay by the government.*'
- 2.4.4 It was reported in Local Government Lawyer in February 2022 that the Minister for Levelling up Communities told the House of Commons that the recommendations of the CSPL are currently being actively considered. The Minister indicated that she would respond 'shortly'. She was also reported as having said that '*It is of the utmost importance that local authorities have the right tools to make the system work.*'
- 2.4.5 It was also reported in Local Government Lawyer in January 2022 that the Local Government Ombudsman has addressed the Levelling Up, Housing and Communities Committee, confirming that the

Ombudsman would be willing to provide a route of appeal to councillors, as outlined by the CSPL report.

- 2.4.6 Following on from previous reports on 'Standards Matter 2', the committee has published its final report under the title 'Upholding Standards in Public Life'. The findings principally relate to standards and conduct in Parliament, rather than Local Authorities. If members are interested in reading these, the report can be found at [Upholding Standards in Public Life - A report of the Standards Matter 2 review \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

2.5 Update on work from the CSPL report

- 2.5.1 It was reported to the previous meeting that the consultation exercise has taken place and the results have been reviewed.

- 2.5.2 Following on from that, a number of standards workshops were held and the results and analysis are the subject of a separate report to this committee.

3. Implications for the Council

3.1 Working with People

N/A

3.2 Working with Partners

N/A

3.3 Place Based Working

N/A

3.4 Climate Change and Air Quality

In order to minimise any impact, printing is kept to a minimum.

3.5 Improving outcomes for children

N/A

3.6 Other (eg Legal/Financial or Human Resources)

The promotion and maintenance of high standards of conduct by councillors is an important part of maintaining public confidence in both the council and its members. Failure to do so could have significant reputational implications.

4. Next steps and timelines

- 4.1 The Monitoring Officer will continue to monitor any relevant news and cases and will report back to this committee. She will also continue to monitor and report back on the work of the CSPL.

5. Officer recommendations and reasons

- 5.1 Members are asked to consider the report and comment on its contents (as applicable) and note its contents.

6. Cabinet portfolio holder's recommendations

N/A

7. Contact officer

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8. Background Papers and History of Decisions

- 8.1 N/A

9. Service Director responsible

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Appendix A

Local Government Lawyer articles

Welsh councillor who started coffee shop and wine bar without planning permission found to be in “serious breach” of code of conduct

February 7, 2022

A Vale of Glamorgan councillor who sits on the local authority's planning committee has been found in breach of its code of conduct after establishing a cafe without first securing planning permission.

Cllr Leighton Rowlands, who has been a member of the planning committee since 2017, was suspended for a month for what the standards committee called a "serious breach" of the code of conduct that brought the council and town council into disrepute.

The councillor and a business partner opened the coffee shop and wine bar named The Watering Hole in June 2019. The building was previously a shop and therefore a change of use planning application was required for the building to be used as a cafe.

Cllr Rowlands applied for planning permission but decided to open the establishment before the council decided on the case. At a Standards Committee meeting held late last month (January 26), the councillor said he had limited knowledge of planning law when asked to explain his decision.

He **told the committee**: "Like most new councillors who sit on the planning committee we have training but they are always a whistle stop tour [...] and I would say I had difficulty in understanding the planning law like any member of the public would, even with the training."

He added that he had "limited or confused knowledge of planning".

In addition, he told the committee that he had not known about the breach before opening. He said: "Planning and licensing rules are very complicated. I'm not a solicitor, I'm not a Planning Officer, and when I did ask for advice from the planning officer, it was very grey. In hindsight, I should have asked the monitoring officer for more advice - I don't know why I did that."

Representatives from the Public Services Ombudsman for Wales, which had previously investigated the case, relayed the investigation's findings to the committee.

Sinead Cook, Assistant Investigation Manager for the Ombudsman, told the committee: "The establishment required the change of use of planning permission, and Cllr Rowlands was aware of that at the time. And the Senior Planning Officer has given evidence to say that they told Cllr Rowlands and his colleague that, although it was not illegal, if the business did open, it would be in breach of planning control, and there was a risk of enforcement action".

Once the Monitoring Officer raised the issues concerning the planning breach with Cllr Rowlands, the councillor quickly moved to close the business down. Although he was unsuccessful in shuttering the business, he eventually resigned, withdrew the planning application and took no further part in the business and planning process. As a result, he also lost his investment in the company.

The standards committee was satisfied that he was aware of the consequences of opening the cafe before a change of use planning permission was implemented and the potential breach of planning control.

Mrs Cook later added: "The Ombudsman concluded that Cllr Rowlands' conduct in failing to consider his situation appropriately or seek advice about his role or position in advance of the decision to open the establishment suggested a significant lack of judgment and had the potential to impact on the mutual relationship of trust that exists between the council, the town council, its elected members, and members of the public.

"The Ombudsman determined that the evidence supports a finding that Cllr Rowlands' actions brought his office as a councillor and the council into disrepute and are suggestive of a breach of paragraph 6 1 a of the Code of Conduct."

Cllr Rowlands accepted that he breached the code of conduct and said that he was "naive" in doing so.

Richard Hendicott, chair of the Standards Committee, said: "The standards committee is of the view that this is a serious breach, especially of a councillor who is on planning. It brought the council and indeed the town council into disrepute. It's certainly not a case where no action should be taken".

He added: "This was a single incident. Once you knew about it or once you knew the significance or the seriousness of it, Cllr Rowlands, you took steps to try and extricate yourself from the position. But you, being on planning, you have a duty to uphold the high standards which are expected of you. In the circumstances, we think a suspension is appropriate and we are going to suspend you for one month."

Mayor says he is "exonerated" after council closes investigation into allegations of naked pictures on computer

February 10, 2022

The elected mayor for Middlesbrough said he has been "exonerated" of any wrongdoing following the closure of an external investigation into claims of a naked picture on his computer.

On his "*Tees Issues*" page on *Facebook*, Andy Preston said: "After a colossal waste of time and money – stretching back to October 2020 and probably costing £100,000 in time and money – an independent law firm found absolutely no evidence to suggest I even knew about an alleged but not reported image of a naked woman on my office computer.

"In fact the report has confirmed I wasn't even in the building on the morning the image was allegedly seen – and I hadn't been since the previous day.

"I'm delighted the truth has come out – but I can't pretend it hasn't been incredibly stressful and hurtful for me and my family seeing increasingly wild allegations in the local and national media."

Mr Preston said the matter began in October 2020 when a councillor claimed to have received an anonymous letter suggesting inappropriate material on his computer.

He claimed that the matter was closed after an internal investigation, only to be reopened after Andy McDonald MP, whom he strongly criticised, lodged a formal complaint.

Local Government Lawyer has been told that the costs of the external investigation were under £50,000.

Middlesbrough Council said it would not be publishing the report.

A spokesman for the local authority said: "This matter has now been concluded and the parties involved have been informed of the outcome.

"It would be inappropriate to make any further comment in relation to the process or opinions expressed by others."

Mr McDonald said he maintained his view that Mr Preston was "unfit for public office".

Welsh council outlines training plan after recognition that at extraordinary meeting it would have acted unconstitutionally if monitoring officer advice had not been followed

January 20, 2022

Wrexham Council has issued a statement on the conduct of future meetings, amid recognition it ran the risk of acting unconstitutionally had the advice of its monitoring officer not been followed at an extraordinary meeting in November 2021.

The statement issued this week (17 January) said the Mayor and Group Leaders recognised the need to have “high-quality public debate in Council meetings that respects different viewpoints and individuals, and that upholds democratic principles”.

It added: “Following positive meetings, since the November Council meeting, between the Mayor, Group Leaders and key officers, it has been recognised that at that Council meeting in November there was a risk that if the legal advice provided by the monitoring officer, which was ultimately accepted, had not been followed then the Council would have been acting unconstitutionally.”

To address this for future meetings, the following positive actions have been agreed:

- Training for the current Mayor around chairing, the constitution and the role of the monitoring officer.
- Training for incoming Mayors around chairing, the constitution and the role of the monitoring officer.
- Training for all Councillors as part of their induction around the types of meeting debates, the constitution and the role of the monitoring officer.

The meeting on 9 November 2021 was to discuss a bid for city status. The **minutes of the meeting** state:

Members considered a Notice of Motion in the following terms proposed by Councillor Marc Jones and seconded by Councillor Carrie Harper who further requested a recorded vote:

“This Council does not support a bid for city status”.

The Leader addressed the concerns raised by the mover of the motion and moved an amendment as follows:

“That full Council invites the Executive Board to consider a bid for city status at the next scheduled meeting”.

The mover of the motion made a point of order and referred to rule 4.23 section f of the Councils Constitution, suggesting that the amendment negated the main motion. In response, the Monitoring Officer referred to the full constitution and in particular s4.23.6.1.1, confirming that the proposed wording of the amendment was allowed under the rules of the Council's constitution.

The Mayor raised concerns at accepting the amendment stating he felt it negated the main motion and was therefore, in his opinion, undemocratic. The Monitoring Officer reiterated that the amendment to the motion was legal within the rules of the Councils constitution.

Following a short adjournment, the Mayor advised the meeting that following legal advice, whilst he still had strong reservations around its wording, he would accept the amendment to the motion.

The Deputy Leader seconded the amendment put forward by the Leader and a debate ensued.

In response to a number of point of orders raised during the meeting, the Monitoring Officer reminded the meeting a number of times of the rules of debate.

Following the debate it was resolved (36 for the amendment, 9 against and 1 abstention) that the full council invite the Executive Board “to consider a bid for city status at the next scheduled meeting. The Council will publicise through its website the benefits of a city status bid and include information on how the bid could positively influence the lives of people in Wrexham.”

Welsh council says it is unable to disqualify councillor who pleaded guilty to soliciting sex worker: report

January 13, 2022

Newport City Council has said it has no powers to disqualify a councillor who admitted soliciting a sex worker.

The **BBC has reported** that Independent councillor Chris Evans pleaded guilty to having last May solicited a sex worker.

In a statement the council said: "Newport City Council was unaware that Cllr Evans intended to plead guilty. It will now consider its position following further discussions with Cllr Evans.

"However, the council has no powers to disqualify him from his role as a city councillor."

A police officer who was chasing a wanted man through an Asda car park at the time recognised Cllr Evans with the sex worker in a car.

Magistrates heard from Cllr Evans' representative: "He did not go through with it and no money ever changed hands. He accepts a provision was made for an arrangement of sexual services. The officer recognised him. Had he not been a well-known face, he would not have been here today."

Cllr Evans was conditionally discharged for 12 months and ordered to pay £85 prosecution costs and a £22 victim surcharge.

Councillor breached Code of Conduct by acting anonymously through Twitter, independent investigator finds

January 7, 2022

A former Cabinet member for housing at Southwark Council breached the local authority's Code of Conduct by acting anonymously through a Twitter account, an independent investigation by law firm Bevan Brittan has found.

After his exposure in the local press as being behind the anonymous account (@SouthwarkYIMBY), Cllr Leo Pollak resigned his cabinet role in February 2021 and read out an apology at a full council meeting.

He also referred himself to the monitoring officer, while one of the campaigners mentioned made a complaint in March 2021 about him to the council.

The complainant was offended by the use of the word 'nimby' and what was described as the aggressive tone of a tweet that read: "This is pathetic nimbyism. Looking at the planning documents it's clear a lot of consultation with estate residents has gone into these proposals. Does the controller of this twitter account live on the estate?"

David Kitson, the partner at Bevan Brittan appointed by Southwark to investigate the actions of Cllr Pollak, concluded in a report – albeit it was “very finely balanced” – that the Code applied to tweets sent in 2020 and 2021 through the account about two local housing developments at Priory Court and the Elim Estate.

The report found that the Code also applied in relation to other tweets and retweets that referred to schemes and developments in which the councillor had been involved in his official capacity.

The Code was not found to have applied in relation to the residue of tweets by the account as these were more general in nature.

The Bevan Brittan report said: “It must be made very clear that we do not condone the councillor’s behaviour. Seeking to use an anonymous account through which to comment on social housing and housing developments, and to challenge others commenting on the same, is certainly not appropriate in the circumstances.”

However, Mr Kitson determined that the content of the tweets to which the Code applied was not such as to result in a breach of the Code.

He said: "The content of the tweets that referred to specific developments and schemes in which the councillor had been involved in a formal capacity (mainly retweets), are generally inoffensive and uncontroversial.

"With reference to the tweets regarding Priory Court and the Elim estate ballcourt, the content was at times provocative, but did not amount to breach. Those with whom the councillor was engaging had voluntarily chosen to involve themselves publically in matters of public concern, and the enhanced protection afforded by Article 10, as well as the higher thresholds of tolerance expected, applied to both the councillor and those third parties."

The report did find, however, that by acting anonymously Cllr Pollak had breached the Code.

Mr Kitson said: "By his own admission, one of the reasons that the councillor sought to use the account was to address what he believed to be false statements about the Priory Court and Elim estate ballcourt developments which he felt could significantly undermine them, and which he had not been able to address adequately using his named account. In other words his intention in this respect was the same, both when he was acting overtly using his named account, and when he was acting covertly, and that was to address misinformation, and influence public opinion and support for the developments."

Cllr Pollak also stated that he and other council members had been subjected to aggressive and provocative behaviour in response to their activities in the past. He said he was concerned about his safety and that of his family.

"Although again we must make it clear that we do not condone the councillor's behaviour, which he himself states was inappropriate and contrary to the Code, we accept that these concerns were genuine and go towards mitigation for his actions," the report said.

"Indeed notwithstanding the higher threshold of tolerance required by those in public office, there is and has been for some time a growing national concern in relation to behaviour towards public figures, and whether a change in the law is required."

Mr Kitson said that in relation to two anonymous comments made in support of the planning application for development of the Elim estate ballcourt, Cllr Pollak denied that he had made them, "and we did not find evidence other than supposition to conclude otherwise".

The Bevan Brittan partner noted that the councillor had clearly acknowledged at all stages that his actions were not appropriate. "He has also repeatedly expressed remorse, including via the statement he made to council, and by way of his self-referral through the standards regime.

"It should also be noted that the councillor resigned his role on Cabinet, a role which he is passionate about, and has suffered public criticism and condemnation for his actions, including significant personal hardship and turmoil. In our opinion any sanctions that could be applied in relation to this matter fall significantly short of the consequences that have resulted quite independently of this process."

Mr Kitson said Cllr Pollak was "clearly passionate" about social housing and the significant issues arising in this context. "Seeking to further his views by way of anonymous postings through the account was ill considered and inappropriate, which he wholeheartedly acknowledges. It is likely that the councillor will have learnt a number of valuable lessons from this unfortunate episode."

In light of this the report did not recommend that any further action was required. "Further we are of the opinion that this matter can reasonably be resolved without the need for a hearing, which in our view would not be in the public interest nor a beneficial use of council resources."

In his draft report provided to the complainant and Cllr Pollak, Mr Kitson had originally concluded that the Code did not apply to the councillor's tweets as a whole.

The final report said: "Our view that the councillor's behaviour in acting covertly was both inappropriate and ill-considered has not changed, however this is now considered to be a breach of the Code on the basis that we are now of the opinion that the Code did apply in certain respects, however it remains our view that no further action is required in consequence of this report."

It said this change from its initial position on application of the Code came about because the firm had to consider "very technical and difficult areas of law, with a lack of authoritative precedent on when the code applies.

"Considerations and arguments have been finely balanced throughout, and in this context we determined of our own volition to revisit and give further in depth thought to the issue of whether the code applied, and if so to what extent."

Mr Kitson's report is due to be considered at a meeting of Southwark's Audit, Governance and Standards (Conduct) Sub-Committee on 10 January.

Jeremy Corbyn secures apology, damages from councillor over tweet

November 25, 2021

Former Labour party leader Jeremy Corbyn has accepted an apology and substantial damages from a councillor who published a fake picture of him appearing to endorse the Liverpool terrorist attack.

Paul Nickerson, who was a Conservative member of East Riding of Yorkshire Council but now sits as an Independent Conservative, said: "On 15 November 2021 a false defamatory statement, for which I accept full responsibility, was published on my Twitter account about Jeremy Corbyn MP. My apology is attached. I have agreed to pay substantial damages and legal costs to Mr Corbyn. Please retweet."

Mr Corbyn said in a statement: "The post included a fake photograph of Mr Corbyn laying a poppy wreath at the site of a burning taxi outside the Liverpool Women's Hospital where a terror attack had taken place on Remembrance Sunday killing a suicide bomber and injuring others."

The fake photograph had been captioned by the word "unsurprisingly".

Cllr Nickerson said: "This gave the completely untrue impression that Jeremy Corbyn supports terrorist violence including suicide bombings, which without any hesitation I wholly accept he does not.

"Without reservation I fully withdraw any suggestion or inference that Jeremy Corbyn is a supporter of terrorist violence. The tweet was wrong and I retract it. I unreservedly and sincerely apologise to Mr Corbyn for the hurt and distress that has been caused to him by the tweet."

Mr Corbyn said Cllr Nickerson's photoshopped Twitter post "failed to understand the seriousness of the threat and did a disservice to all those affected by the attack and their loved ones".

He welcomed Cllr Nickerson's apology, agreement not to repeat the offending image and to pay substantial damages and legal costs, and said he would donate the damages to charities, including one in Liverpool and one in his Islington North constituency.

MP lodges complaint with council after leader called him a "moron"

November 18, 2021

An MP has lodged a formal complaint with the monitoring officer at Ashfield District Council after the authority's leader called him a "moron".

Lee Anderson, Conservative MP for Ashfield, told *Local Government Lawyer* that he had been insulted by council leader Jason Zadrozny and that while he had apologised through the media he had not done so personally.

Cllr Zadrozny, leader of ruling local party Ashfield Independents, said: "I have made an apology but maintain that the comments were made in a private meeting.

"I regret making the comments in the way I did but don't regret the sentiment."

The remark was made at a meeting of a working group considering changes to the local plan.

Cllr Zadrozny said Mr Anderson had recently used parliamentary privilege to call environmental campaigners morons.

The two stood against each other at the last general election, which Mr Anderson won with 19,231 votes to Cllr Zadrozny's 13,498.

Tory councillor in Worthing suspended over alleged support of far right

Party is investigating Tim Wills over claims he supports Patriotic Alternative, which promotes 'white genocide' theories

The Conservative party has suspended a councillor and is investigating allegations that he has been a secret supporter of a far-right organisation.

Tim Wills, a borough councillor in Worthing, West Sussex, is alleged to have been a supporter of Patriotic Alternative (PA), a racial nationalist group that seeks the removal of ethnic minorities from the UK.

In discussions on a PA channel of the social media app Telegram, he is alleged to have called for the promotion of conspiracy theories such as “white genocide” and urged the group to “infiltrate and influence those in power”.

Calls for Wills to be expelled from the Conservative party were led by the antiracist campaign group Hope Not Hate, which published the results of an investigation into him as Boris Johnson was addressing his party’s annual conference on Wednesday.

“It is frankly abhorrent that a councillor representing the Conservative party in Worthing not only actively supports Patriotic Alternative – an antisemitic, white nationalist organisation – but has openly endorsed racist conspiracy theories,” said Nick Lowles, the chief executive of Hope Not Hate.

“It is clear that Tim Wills should be immediately expelled from the Conservative party and lose the whip as a councillor, but it is also time for the Conservative party, as the party of government, to take serious steps to tackle the threat of far-right extremism within its ranks.”

Wills did not respond to attempts by the Guardian to contact him about the allegations. A Conservative party spokesperson said: “Cllr Tim Wills has been suspended pending the outcome of an investigation.”

Hope Not Hate’s investigation uncovered messages, alleged to have come from Wills, that endorsed the “white genocide” conspiracy theory, which suggests genocide is being perpetrated on white people by means of mass immigration and cultural suppression.

“My view is Covid is a loss maker for us, we just need to centre on white genocide [...] because many of our white race are convinced about vaccines, but not about our replacement,” Wills is alleged to have written on a social media under a different name.

In another, he is said to have urged fellow members to “remember the 14 words”, a reference to the 14-word white supremacist slogan: “We must secure the existence of our people and a future for white children.”

Wills is listed on Adur and Worthing councils’ website as a policy adviser to a member of the local authority’s executive, as a member of five committees and as an appointee to the charity Action in Rural Sussex.

PA has been particularly active in rural areas, eschewing electoral politics and street protests in favour of focusing on conservation and other tactics.

The claims against Wills come as the Tory party faces allegations of continuing Islamophobia in its ranks. In May a long-awaited review into Islamophobia within the Conservatives was condemned as a whitewash by Muslim Tories despite it including criticism of the language used by Boris Johnson and the mayoral campaign run by Zac Goldsmith for insensitivity.

Councillor Daniel Humphreys, Leader of Worthing Borough Council, said Wills’ membership of the Conservative Party and the Worthing Borough Conservative group has been suspended pending an investigation by the Party’s complaints board.

“Worthing Conservatives remain committed to promoting equality between all people and opposing all forms of racism,” he added.

Local press Carlisle 29th September 2021

Complaints upheld against deputy leader of Carlisle City Council

Complaints made against a councillor have been upheld and he has been asked to write an apology letter – but he claims that the actions heard by the standards committee do not tell the full story.

Documents seen by the Local Democracy Reporting Service reveal that sanctions from three complaints have been handed down to Carlisle City Councillor Gareth Ellis by the authority's standards committee.

The committee considered four complaints about the deputy leader at a meeting on Monday September 20.

The committee found no breach in the code of conduct after reviewing one complaint which alleged Cllr Ellis had made “derogatory comments about the complainant during the pre-live section prior to a virtual council meeting on 3rd November 2020.”

Cllr Ellis acknowledged to the panel that he made a comment but there was “some inconsistency” in witness accounts of what he had said. The council noted that the comment took place in the pre-live section and so he was not acting in his capacity as a city councillor.

A further three complaints were heard and the committee found that Cllr Ellis was in breach of the Members' Code of Conduct in each of them.

Former city councillor Chris Robinson brought two complaints – one which accused Cllr Ellis of making “rude and disrespectful” comments about him on social media and another which claimed he sent allegations about the former councillor to his place of work.

Cllr Robinson said he feared he would lose his job after colleagues received an email saying he was unfit to settle disputes: “I've been prescribed anti-depressants due to this. My anxiety in this comes from what is he going to do next?”

The deputy leader has been asked to send a formal letter for each breach and he must report back to the council.

A separate complaint that Cllr Ellis interrupted a fellow councillor's speech at council in 2020 was also sanctioned with a formal letter. The Conservative councillor said an altercation between him and Cllr Robinson in the chamber after that incident started the ill feeling between them.

Cllr Ellis said: “There was almost a stand-up fight at the council chamber because a fellow councillor come over to me, swore at me and came face to face with me.”

He launched his own complaint against Cllr Robinson at the time but the Labour councillor no longer serves on the council.

“He came face to face with me in an extraordinarily threatening way, in my history of politics I've never seen anything like that.”

Councillor Robinson believes that his former colleague has exaggerated the events. "I would disagree with his description of the event," he said.

Appendix B

Standards Commission for Scotland



5 October 2021

ABERDEEN CITY COUNCILLORS CLEARED OF BREACH OF CODE OF CONDUCT

Two Aberdeen City Councillors, Steve Delaney and Ian Yuill, were cleared by the Standards Commission, in respect of a complaint that they had fallen foul of the Councillors' Code of Conduct in relation to comments they made about another councillor at a Council budget meeting on 10 March 2021.

Mrs Tricia Stewart, Standards Commission Member and Chair of the Hearing Panel, said: "The Panel considered that the remarks of Councillors Delaney and Yuill fell short of the behaviour expected under the Councillors' Code of Conduct. However, when we considered their right to freedom of expression under Article 10 of the European Convention on Human Rights, we concluded that the finding of a breach and imposing a sanction was not justified."

At the online Hearing on 5 October 2021, the Commission's Hearing Panel heard that it was not in dispute that at the council meeting, which was livestreamed via a webcast, Cllr Delaney referred to the complainer, Cllr Alan Donnelly, as the "resident sex offender" and suggested that "maybe it is time he realises what everyone else is saying and goes now." At the same meeting, Cllr Yuill referred to the complainer as a "convicted sex offender" and further stated that his presence was unwelcome.

The Panel noted that it was not in dispute that the complainer had been convicted of sexual assault at Aberdeen Sheriff Court on 13 December 2019. The complainer had subsequently been suspended for 12 months by the Standards Commission.

The Panel noted that the complainer's suspension had expired by the time of the events in question. While the Panel accepted that the complainer had been convicted of a sexual offence, it concluded that remarks to the effect that he was unwelcome at the meeting, or as a councillor, would have made him feel uncomfortable at work and offended. As such, the Panel was satisfied that the conduct of Councillors Delaney and Yuill amounted, on the face of it, to a contravention of the requirement in the Code for councillors to treat each other with respect.

The Panel noted, however, that Councillors Delaney's and Yuill's remarks concerned matters of public interest, namely whether the contribution of a councillor who had been convicted of a sexual offence was welcome and whether that councillor should resign. In such circumstances, the Panel considered that both Councillors Delaney and Yuill would attract the enhanced protection of freedom of expression afforded to politicians, including local politicians, under Article 10 of the European Convention on Human Rights.

The Panel noted that the Courts have held that politicians are subject to wider levels of acceptable criticism than officers or members of the public when matters of public concern were being discussed.

The Panel further noted that the Courts have held that the less egregious the conduct in question, the harder it would be for a Panel to conclude that a restriction on an individual's right to freedom of expression was justified.

The Panel determined that the conduct of Councillors Delaney and Yuill, in making comments to the effect that the complainant, as someone who had been convicted of a sexual offence and was not welcome / should resign, was not sufficiently gratuitous as to justify a restriction on their right to freedom of expression. As such the Panel concluded that a breach of the Code could not be found.

Mrs Stewart said: "The Panel wants to emphasise that the requirement for councillors to behave in a respectful manner towards each other is a fundamental requirement of the Code of Conduct, as it ensures a minimum standard of debate. We believe that a failure to reach this standard has the potential to undermine the reputation of a Council and public confidence in elected members."

A full written decision of the Hearing will be issued and published on the Standards Commission's website within 7 days.



18 October 2021

PERTH AND KINROSS COUNCILLOR CLEARED OF BREACH OF CODE OF CONDUCT

Councillor Lewis Simpson, of Perth & Kinross Council, was cleared by the Standards Commission at a Hearing held online, on 18 October 2021, in respect of a complaint that he had breached the Councillors' Code of Conduct in relation to a comment made in an email dated 16 October 2020.

The Chair of the Standards Commission's Hearing Panel, Mike McCormick, said: "The Panel considered that while Councillor Simpson could have chosen the wording of his email more carefully, it was not sufficient to constitute a breach of the Code. A member of the public, in receipt of the email in question and with a knowledge of the relevant facts, would be aware that there was nothing to prevent Councillor Simpson, or indeed anyone else, from asking a committee member to raise a question at the meeting."

The Hearing Panel heard that Councillor Simpson, in an email to a constituent, suggested that he had "colleagues who may be persuaded to ask questions etc. on his behalf", in respect of a planning matter to be considered at an upcoming meeting of the Council's Planning and Development Management Committee. Councillor Simpson was not a member of the committee.

It had been argued that the use of the word "persuaded" could give rise to suspicion, or the appearance of improper conduct. The Panel was not convinced, however, that Councillor Simpson's use of the word "persuaded", would necessarily be interpreted as him suggesting that his colleagues on the committee could be pressured or influenced into reaching a certain decision or into doing something wrong.

The Panel noted that it may have been helpful for Councillor Simpson, in his email, to have explained that any committee member, having been approached to ask a question at an upcoming committee meeting, would have to be careful not to pre-judge or be seen to be pre-judging the matter.

After considering and weighing up the evidence presented at the Hearing, the Panel concluded that Councillor Simpson had not breached the Councillors' Code of Conduct. Mr

McCormick said: "Though this case did not result in a finding of breach, it does serve as a reminder of the need for clarity in communication at all times – councillors should ensure that their correspondence, with all parties and especially with constituents, is unambiguous, transparent and avoids any appearance of improper conduct."



6 December 2021

ABERDEEN CITY COUNCILLOR CLEARED OF BREACH OF CODE OF CONDUCT

Aberdeen City Councillor, Alison Alphonse, was cleared by the Standards Commission at a Hearing held in respect of a complaint that she had breached the Councillors' Code of Conduct in relation to a visit she made to a constituent in February 2021.

Ashleigh Dunn, Standards Commission Member and Chair of the Hearing Panel, said: "The Panel found that Cllr Alphonse had been unnecessarily confrontational and accusatory towards the constituent. The Panel considered that having decided to attend the property, Cllr Alphonse should have been more conciliatory and empathetic and should have chosen her wording more carefully. However, the Panel accepted that Cllr Alphonse was trying to resolve a difficult situation involving a matter of public concern and, having considered her enhanced right as a politician to freedom of expression under Article 10 of the European Convention on Human Rights, we concluded that a finding of a breach and imposition of a sanction was not justified in the circumstances."

At the online Hearing on 6 December 2021, the Commission's Hearing Panel heard that it was not in dispute that Cllr Alphonse made an unannounced visit to a constituent's property on 26 February 2021, during the Covid-19 pandemic, in respect of a neighbourhood dispute that had been ongoing for over a year.

The Panel heard evidence from a senior council officer to the effect that while it was not uncommon for councillors to visit constituents, such visits were usually arranged in advance. The Panel was of the view that an unexpected and unannounced visit could have caused some anxiety, and that it would have been reasonable for the constituent to have perceived Cllr Alphonse, as an elected member, to be in a position of power or influence. The Panel acknowledged the constituent's evidence that the visit caused him anxiety and upset.

Having listened to an audio recording made of the meeting, the Panel determined that while it may not have been Cllr Alphonse's intention, some of the comments made to the constituent were accusatory and confrontational. The Panel was of the view that Cllr Alphonse should have been more careful in her choice of words, given her position of authority and responsibility. As such, the Panel was satisfied, on balance, that when considered as a whole, Cllr Alphonse's conduct amounted, on the face of it, to a contravention of the requirement under paragraph 3.2 of the Code for councillors to treat members of the public with courtesy and respect.

The Panel noted, however, that Cllr Alphonse's remarks had been made in context of her visiting a constituent to discuss another constituent's concerns about a neighbourhood dispute that involved council land and the use of CCTV, and that the matter in question was already the subject of engagement by the police, council services and at least four separate households. In the circumstances, the Panel considered that Cllr Alphonse would attract the enhanced protection of freedom of expression afforded to politicians, under Article 10 of the European Convention on Human Rights, when they are discussing matters of public concern.

The Panel further noted that the Courts have held that the less extreme the conduct in question, the harder it would be for a Panel to conclude that a restriction on an individual's right to freedom of expression was justified. This was particularly the case if the individual was entitled to enhanced protection.

The Panel determined that the Respondent's conduct was not sufficiently offensive or gratuitous as to justify a restriction on her right to freedom of expression. As such, the Panel concluded that a breach of the Code could not be found.

Ms Dunn stated that: "The Panel would wish to emphasise that the requirement for councillors to behave in a respectful and courteous manner towards members of the public is a fundamental requirement of the Code, as it protects the public and also ensures public confidence in the role of an elected member and the council itself not undermined."



Northern Ireland

Local Government
Commissioner for Standards

15 November 2021

Local Government Act (Northern Ireland) 2014
Councillor McDonough Brown (Belfast City Council)

Determination of the Acting Northern Ireland Local Government Commissioner for Standards

Following a complaint against Councillor McDonough Brown, the matter was investigated by Michaela Mc Aleer, Acting Deputy Commissioner for Local Government Ethical Standards, who then submitted her Investigation Report to me for adjudication.

A pre-adjudication Hearing review was held to determine procedural matters during which the parties requested time to explore an alternative resolution of the complaint.

The outcome was that Councillor McDonough Brown accepted the conclusion of the Investigation Report and he has taken the following action:

- posted a corrective tweet which included an apology to the complainant who was upset by a tweet which Councillor McDonough Brown posted in late February 2018;
- removed the complained about tweet;
- apologised for the manner in which he responded to the complaint which the complainant raised directly with him and which he had wrongly characterised as harassment; he acknowledged that the complainant's correspondence was nothing less than appropriate and respectful

Councillor McDonough Brown has also confirmed that he has read and familiarised himself with the Commissioner's Guidance for Councillors on Social Media and the Code of Conduct (particularly guidance pages 20-23).

Furthermore, Councillor McDonough Brown apologised for delay he occasioned in bringing this matter to a conclusion, acknowledged that Alternative action avoids the cost of proceeding to adjudication and undertook to engage more expeditiously in any future matters.

The Acting Commissioner was pleased that this long-standing matter had been resolved and noted that it was in the public interest for matters to be resolved by way of "Alternative

Action” whenever and as expeditiously as possible. The investigation of this complaint has now ceased in accordance with the provisions of section 55 (6) of the Local Government (NI) Act 2014’.

The Acting Commissioner emphasised the importance of councillors who are complained about engaging with the ethical standards process and the office of the Commissioner for Local Government Standards at an early stage, so that the resources associated with any investigation or adjudication are expended wisely and proportionately in the public interest.

Katrin Shaw

Acting Northern Ireland Local Government Commissioner for Standards