

Cases and News Update

Meeting:	Standards Committee
Date:	23rd October 2024
Cabinet Member (if applicable)	N/A
Key Decision Eligible for Call In	No No – not a decision-making report
Purpose of Report	
To brief the standards committee on any news and cases of interest since the last Standards Committee meeting in March 2024.	
Recommendations	
<ul style="list-style-type: none"> • That the report be noted by members 	
Reasons for Recommendations	
<ul style="list-style-type: none"> • The report is for information only 	
Resource Implications:	
None	
Date signed off by Executive Director & name	Rachel Spencer-Henshall – 7th October
Is it also signed off by the Service Director for Finance?	Kevin Mulvaney – 7th October
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Samantha Lawton – 7th October

Electoral wards affected: All

Ward councillors consulted: None

Public or private: Public

Has GDPR been considered? Yes

1. Executive 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, in particular that which follows on from their report 'Ethical Standards in Local Government'.

2. Information required to take a decision

2.1 News since March 2024

- 2.1.1 In an article about investigating councillor conduct by Adam Carey, published by Local Government Lawyer, he reflects on the effects of the abolition of the Standards Board. In respect of sanctions, a number of those quoted in the article agreed that this was a problem with Paul Hoey, the former head of the Standards Board, suggesting that the lack of sanctions following the reforms has led to a rise in serious misconduct, stating:

'I remember describing very early on when the Standards Board was abolished, and the new regime came in that the change was essentially a 'bully's charter', because now you can get away with bullying, and I do see councillors now recognising there is very little that can be done about them and that their behaviour can't be checked.'

- 2.1.2 Local Government Lawyer reported on the case of *R v Thomas Casserly*, which involved an alleged malicious communication that was sent to a Councillor by a resident. Casserly was convicted under the Malicious Communications Act of '*sending an indecent or grossly offensive electronic communication with intent to cause distress or anxiety*'. On appeal, the conviction was quashed and the court considered the matter under Article 10 of the ECHR.
- 2.1.3 The Independent reported on a recently elected Labour MP whose social media posts from 10 years ago came in for criticism. This story shows that any elected official should take care with any social media presence as any injudicious posts can return to haunt them.
- 2.1.4 The recent unrest that has led to a number of convictions and prison sentences has also involved an elected councillor in controversy.

Dartford Labour Councillor Ricky Jones has been suspended by his party following the release of a video in which it is claimed he said, of the rioters, *'we need to cut all their throats and get rid of them'*.

- 2.1.5 In June, the BBC reported on a councillor who had set up a fake Facebook profile to exchange explicit images with men. Kyle Daisley was also a special constable and was subject to the Police misconduct process. He remains a Councillor, but stepped down from his role as Chair of the Council and now sits as an independent councillor.
- 2.1.6 In July, the East Anglian Daily Times reported on two councillors who had been sanctioned for a number of breaches of the Code of Conduct. The breaches included bullying, discrimination and harassment.
- 2.1.7 In April MyLondon reported on the suspension by his party of a Sutton councillor, Steve Alvarez, following what was alleged to have been a two-year feud with a fellow councillor. This story is of interest as it appears that the council's standards process has not been involved in addressing the allegations and that it was the Conservative Party at a national level that investigated and imposed sanctions on their own member. The local Conservative group agreed with Alvarez who had alleged that he was the victim of harassment.

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 continues to hold hearings and publish the outcomes.
- 2.2.3 Since March 2024, the Commission has considered 6 cases, with a further 4 to be considered, and has published its findings in respect of the 6 cases that have been heard.
- 2.2.4 In these 6 cases, breaches were found to have occurred in 4, and these resulted in suspension of the members complained of. The breaches included behaving disrespectfully, disclosing confidential information and issues around interests. Of the 2 findings of no breach, one is of interest as it considers the applicability of enhanced freedom of expression. Some of the Commission's press releases are in the Appendix. Members can read the full decision notices on the Commission's website.
- 2.2.4 The Commissioner for Standards in Northern Ireland has heard 1 case referred to it since March 2024, with 2 more referrals yet to be heard.
- 2.2.5 In the 1 decided case, which involved bringing the Council into disrepute, a 5 year disqualification was given.

2.2.7 The Public Services Ombudsman for Wales publishes its finding directly to its website. There were 12 alleged breaches reported and investigated. Often the Ombudsman works by referring matters back to local authorities.

2.2.8 A number of findings have been published by the Ombudsman in this reporting period, with sanctions reported in 5 cases. These included censure, suspension and disqualification. The Appendix contains details of some of the more interesting decisions.

2.2.9 In England, publication of decisions still remains discretionary, although the CSPL did recommend publishing these, so it may be the case that we start to see more decisions from English local authorities being published in due course.

2.2.10 No reports have been identified in this period.

2.3 **Case Law**

2.3.1 The case of R v Thomas Casserly has been referred to above. It related to the application of Article 10 of the ECHR to political comment.

2.4 **The work of the Committee on Standards in Public Life**

2.4.1 In March 2024, the Committee announced that it would be carrying out a review looking at accountability within public bodies. Terms of reference have been published and an open consultation is to be carried out, with a report highlighting best practice due to be published in Spring 2025. A copy of the terms of reference are in the Appendix.

2.4.2 As reported previously, follow up on the 2019 report on Local Government Ethical Standards is no longer a standing item on the CSPL meeting agenda. The annual report, published in July 2024, does make reference to the 2019 report, but it is unclear whether, with a change of government, the Committee is planning to raise the issues again.

2.4.3 The annual report says, of the 2019 report:

Local Government Ethical Standards, 2019

Our evidence-based report, published in January 2019, exploring ethical standards in local government was welcomed by the sector, backing our call to strengthen the arrangements in place to support high ethical standards, whilst respecting the benefits of a localised approach.

The previous government responded three years later in March 2022. We were disappointed that the previous government in its response rejected most of our recommendations, stating that it thought that the best route for change was best practice by local authorities. Lord Evans, our former Chair, wrote a number of times to the then Department for Levelling Up, Housing and Communities. The most recent reply from the then Minister for Local Government in February 2023 confirmed that the government will not be taking up our recommendations.

We believe this is a missed opportunity to update and improve the locally-based standards regime in local government. We continue to make the case for our recommendations and influence where we can.

- 2.4.4 The latest published Committee minutes pre-date the General Election, so there is no indication yet of whether the Committee is wishing to raise the 2019 report again with the new government.

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

N/A

3.5 Improving Outcomes for Children

N/A

3.6 Financial Implications for the people living or working in Kirklees

N/A

3.7 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 adverse reputational implications.

3.8 Do you need an Integrated Impact Assessment (IIA)?

No

4. Consultation

N/A

5. Engagement

None

6. Options

6.1 Options Considered

It is recommended that the report be noted.

6.2 Reasons for Recommended Option

The report is an 'information-only' report.

7. Next steps and timelines

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 any relevant work of the CSPL.

8. Contact officer

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9. Background Papers and History of Decisions

N/A

10. Appendices – Appendix attached

11. Service Director responsible

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