


Ethical Standards and Member Development Committee

7 February 2020

Subject:	National Cases
Director:	Director of Law and Governance and Monitoring Officer - Surjit Tour
Contribution towards Vision 2030:	
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DECISION RECOMMENDATIONS

That the Ethical Standards and Member Development Committee:

1. note the contents of the report and the cases at Appendix 1 and consider any issues for the Council.

1 PURPOSE OF THE REPORT

- 1.1 Within its terms of reference, the Ethical Standards and Member Development Committee has a duty to promote high ethical standards amongst Members. As well as complying with legislation and guidance, the Committee will need to demonstrate learning from issues arising from local investigations and case law. Furthermore it is advisable for the Committee to be kept informed of any particularly notable cases which are publicised as they may also add to learning at the local level.

2 IMPLICATIONS FOR SANDWELL'S VISION

- 2.1 High standards of conduct are an essential part of good corporate governance and this in turn has a direct relationship with the delivery of high quality services.

3 STRATEGIC RESOURCE IMPLICATIONS

3.1 There are no resource implications arising from this report.

4 LEGAL AND GOVERNANCE CONSIDERATIONS

4.1 By considering national cases of significance the Ethical Standards and Member Development Committee will be better informed and placed to discharge its duty to promote high ethical standards.

Surjit Tour

Director of Law and Governance and Monitoring Officer

Hearing over councillor's inappropriate behaviour to female colleague

A senior Lincolnshire district and county councillor has been found guilty of inappropriate behaviour towards a female council colleague.

The councillor, and financial portfolio holder at South Holland District Council, pulled the woman towards him, put his arm around her and made several references to being in the “back row of a cinema” during an official visit to London in October 2018.

It was alleged that his actions “held sexual connotations”. There was disagreement between independent members, however, the panel did not comment further as sexual connotations do not fall under the council code of conduct.

The incident is said to have occurred while the councillor and the woman, who works in a shared role between the authority and Breckland Council, were working on a project.

The panel heard how a photograph was taken of the incident, which is said to have left the complainant in “considerable distress”.

The investigation said there was “no suggestion... anything in [the complainant's] behaviour had invited the councillor to put his arm around her.

It wasn't until two weeks later the woman consulted a HR company because she said she was not sure at that point if she was “overreacting” at the time.

In his own evidence, the councillor said he had put his arm on the chair for the photo “in a pose” and denied “pulling her in”.

He said he could not recall the comments nor anything that happened which “gave him the impression he had upset” the woman.

He told the panel he would have apologised if he had done so, and that he had “no nasty or bad intentions”. He added he probably doesn't know “her level of good banter”.

The panel concluded that the councillor failed to abide by the council's code of conduct, and had “brought his office into disrepute”, showing a “lack of respect and leadership that was essential to his office”.

It recommended he be given additional training in relation to equality, diversity, culture and ethics.

In a statement, the councillor said: "I am pleased that the independent person categorically advised the hearing panel that he did not believe my action, comments or photo had any sexual aspects and the hearing panel agreed with him and so the complainants allegation was not upheld in the decision notice. My only breach of conduct was being disrespectful to the female officer by placing my arm around her while posing for a photo in public. I have offered my apologies to the staff member."

Extracts taken from Lincolnshire Reporter 26 July 2019

Enfield's council leader breached the local authority's code of conduct over remarks made following a meeting on proposed changes to bin collections.

Cllr Nesil Caliskan was found to have breached the code last year after suggesting Cllr Derek Levy – who was then chairman of the overview and scrutiny committee – should meet with her regularly to ensure he was “more closely aligned to key decisions” on Labour Group priorities.

She made the remarks during an email exchange that took place shortly after a scrutiny committee meeting in October.

The overview and scrutiny committee's role is to hold the council's decision-makers to account. It is supposed to remain independent of the cabinet.

In a scrutiny meeting held on October 23 last year, Conservative leader Cllr Joanne Laban raised several concerns about the public consultation on changes to bin collections. She warned some of the proposed changes could be at odds with the Mayor of London's Environment Strategy.

She made the suggestion to send it back to the cabinet member for environment, Cllr Guney Dogan.

Members of the committee were divided on what action to take, and Cllr Levy used his casting vote to send the consultation back to Cllr Dogan.

The following day, Cllr Caliskan emailed Cllr Levy saying she was worried Labour members were being “led by Conservatives on issues that have been thoroughly discussed in Labour Group and the cabinet member has been given a clear steer on”.

She suggested she and Cllr Levy meet regularly so that “as a senior member of the group” he would be “aligned to key decisions that have an implication on any priorities we have and our budget”.

Cllr Levy replied to the leader suggesting she reflect on the email, which he described as “inappropriate, compromising and incriminating”.

But Cllr Caliskan doubled down on her original request for a meeting with the scrutiny chairman in an email sent the following day.

Cllr Levy subsequently lodged a formal complaint with the council's monitoring officer, and a solicitor was brought in to carry out an investigation.

The solicitor said there was a “real risk” that the role of overview and scrutiny “could be compromised” by Cllr Caliskan’s actions.

They added the reason this did not happen was “because of the experience and confidence of experienced councillors who took steps to protect the integrity and independence of the overview and scrutiny function”.

The investigating solicitor recommended Cllr Caliskan offer a written apology to Cllr Levy for the remarks.

In a letter sent to Cllr Levy on May 21, the council’s deputy monitoring officer, Jayne Middleton-Albooye, confirmed the leader had breached the code of conduct.

Extract taken from Enfield Independent 18 June 2019

Labour councillor ordered to undertake anger management

A Labour councillor failed to treat others with courtesy and respect and brought the council into disrepute with her conduct, a standards investigation has concluded.

The councillor has been ordered to issue a formal and robust apology for her action and undertake anger management training, as a result of events which took place at a 'Spotlight Review' meeting on April 25, 2019.

Four complaints have been made about her conduct alleging that she had breached the Members' Code of Conduct.

An investigation was carried out by the County Solicitor and Monitoring Officer and Devon County Council's standards committee reviewed the findings.

Councillors found that she had failed to treat others with courtesy and respect and that she conducted herself in a manner or behaved in such a way so as to give a reasonable person the impression that they had brought their office or the Council into disrepute.

But the committee agreed that she did not breach the code of conduct in relation to allegations of bullying.

The meeting took place entirely in private with the press and public excluded on the grounds that the discussions would involve the relating to an individual whose identity would be revealed and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Details of the allegations and the findings though were revealed when the minutes of the meeting were published at the start of this week.

The complaints alleged that the councillor's behaviour was such that they fell below the standards expected of a County Councillor and in particular that she failed to treat others with courtesy and respect and that she conducted herself in a manner or behaved in such a way so as to give a reasonable person the impression that they had brought their office or the Council into disrepute.

Taken from Devon News 23 July 2019

A Councillor who lost his position over alleged “standards issues” has been cleared of wrongdoing - after a £98,000 council investigation.

Cllr Ayre was suspended from his role on City of York Council’s executive in 2017.

An allegation was made against him regarding a “standards issue raised during the investigation of a whistleblowing complaint”, according to a report prepared for a council meeting.

But he was found not to have breached the code of standards at a meeting of the joint standards committee.

Cllr Ayre said the two year-long investigation has been one of the “most stressful and emotionally-draining experiences of my life”.

Speaking after the meeting, Cllr Ayre said: “At a time when my family was dealing with issues of significant ill health, I was without warning, precedent or recourse to law, sacked from my job and subjected to a process which has appeared at every turn to be a desperate attempt to find guilt, rather than investigate the facts.

“My own personal experience has brought me to the brink on several occasions and had a lasting impact on my marriage, my family and placed a huge strain on those closest to me.”

He said the process could put people off becoming councillors because he feels they are “afforded no employment rights and treated, at times, it seemed with the scantest of respect”.

Cllr Ayre was suspended at the same time as Cllr Keith Aspden, who is now the leader of York council.

A standards hearing in January concluded that Cllr Aspden breached the code of conduct in that he had disclosed confidential information, but that no action should be taken against him.

The Liberal Democrat group said the standards investigation has cost taxpayers £98,000 and that they will now “work positively to ensure the council does not repeat this process and that lessons are learnt”.

Cllr Ayre called for a formal apology following the investigation.

He added: "There should be further scrutiny of what was allowed to happen, so we have assurance that no one else will be subject to the same damaging process that was inflicted on two elected members."

Extract taken from York Press 25 July 2019