

# Report to the Ethical Standards and Member Development Committee

9 November 2021

<b>Subject:</b>	National Cases
<b>Director:</b>	Director Law and Governance and Monitoring Officer - Surjit Tour
<b>Contact Officer:</b>	Trisha Newton <a href="mailto:Trisha_Newton@sandwell.gov.uk">Trisha_Newton@sandwell.gov.uk</a>

## 1 Recommendations

- 1.1 That the Ethical Standards and Member Development Committee considers the contents of the report and the cases at Appendix 1 and 2 and consider any issues for the Council.

## 2 Reasons for Recommendations

- 2.1 Officers will inform the Ethical Standards and Member Development Committee about issues arising from local investigations and case law to add to learning at the local level and enhance understanding of ethical standards.
- 2.2 Members are asked to note that one case is in Wales, therefore, the powers used differ to those available to local authorities in England.



### 3 How does this deliver objectives of the Corporate Plan?

		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.
		
		

### 4 Context and Key Issues

4.1 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.

### 5 Alternative Options

5.1 The purpose of the report is for the Ethical Standards and Member Development Committee to promote high ethical standards amongst Members through learning from local investigations and case law. As such, there are no alternative options.



## 6 Implications

<b>Resources:</b>	There are no resource implications arising from this report.
<b>Legal and Governance:</b>	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.
<b>Risk:</b>	Awareness of national cases will enhance the Ethical Standards and Member Development Committee's understanding of promoting high ethical standards within its duties.
<b>Equality:</b>	There are no direct equality implications arising from this report.
<b>Health and Wellbeing:</b>	There are no direct implications for health and wellbeing from this report.
<b>Social Value</b>	This report contains no social value implications.

## 7. Appendices

Appendix 1 – Extract taken from <https://www.bbc.co.uk/news/uk-england-cumbria-58969783> dated 19 October 2021

Appendix 2 – Extract taken from [www.rhyljournal.co.uk](http://www.rhyljournal.co.uk) – updated 14 June 2021

## 8. Background Papers

No background papers.



## Allerdale councillor jailed for threatening email

A councillor has been jailed for 18 weeks after sending a "grossly offensive" and threatening email.

Peter Little sent the message to Allerdale Council's chief executive, Andrew Seekings, in September in which he threatened him and the Tory MP for Workington Mark Jenkinson.

Little, pleaded guilty at Workington Magistrates' Court to sending an offensive message. Mr Jenkinson said abuse had become "an accepted part of political life". "That has to change," he said.

"It is a very tiny, loud minority that think it's acceptable to make these threats." In the email Little used a sexual swear word to suggest Mr Seekings and Mr Jenkinson would come to harm.

The MP said the independent councillor's actions were "much worse" because the email had been sent to a council official who had not put himself into the political arena. "That's not to justify attacks on elected members in any way but he's a paid officer going about his job and absolutely does not deserve to be subjected to any that," he said.

Politicians have been sharing stories of the abuse they have been experienced in light of the murder of Southend West MP Sir David Amess.

Mr Jenkinson said: "Today's robust action from Cumbria Police, the CPS and Workington's magistrates - and their defence of both individuals and democracy - is welcomed."

Little, had already been given a 12-week suspended prison sentence, plus a restraining order, in August after he admitted two other charges of threatening behaviour. He had been told he could keep his seat on the council because the sentence was shorter than the three months required by law to disqualify him as a councillor, but he was removed from his political group, Allerdale Independents.

He has been sentenced to six weeks in prison for sending the "grossly offensive" email, a spokesperson for Workington Magistrates' Court said. The suspended sentence was activated and will be served consecutively.

Extract taken from <https://www.bbc.co.uk/news/uk-england-cumbria-58969783> dated 19 October 2021



## Denbighshire Council cabinet member suspended for two months

A COUNCIL cabinet member responsible for standards in public office has been suspended for two months after a committee found he “bullied or harassed” a woman who argued with one of his constituents.

Cllr Richard Mainon, Denbighshire council’s lead member for corporate services and strategic direction, breached the code of conduct for members on three counts, said the authority’s standards committee on Friday.

His portfolio covers, among other things, standards of behaviour for councillors.

He was found to have brought his “office or authority into disrepute” in his role as a councillor by discussing unsubstantiated allegations about her with the complainant’s work colleagues.

The panel also found he used his position as a county councillor “to confer on or secure for himself, or any other person, an advantage or create or avoid for himself, or any other person, a disadvantage” by intervening in what was a private matter.

Cllr Mainon represents Bodelwyddan ward and was the village’s mayor when the incident happened in December 2018.

He appeared before Denbighshire’s standards committee on the recommendation of the Public Services Ombudman for Wales.

It was alleged he intervened after an argument between a constituent and a member of the public outside a local supermarket on December 8, 2018.

His constituent, who was said to have been suffering from cancer at the time, asked him to make a complaint to the other woman’s employer after she alleged the woman claimed she was a dog warden and would have her pet removed from her.

The constituent later found out the woman worked for a social care regulatory body and informed Cllr Mainon.

He sought her out at her employer’s address, with the intention of getting her to refer herself to her own professional standards unit because of the supermarket altercation.

However, she wasn’t at work when Cllr Mainon called and he didn’t seek her side of the story before revealing to the complainant’s office colleague, line manager and



the organisation's complaints officer what she was alleged to have said during the incident.

They all confirmed Cllr Mainon, who identified himself as a county councillor and mayor of Bodelwyddan, gave the impression he was visiting on official council business, which he accepted.

The complainant was unaware of the allegations repeated by Cllr Mainon to her colleagues until January 2019, when she was interviewed by her bosses.

They ultimately decided it was a private matter which required no further action – and she later complained about Cllr Mainon's behaviour.

He said he intervened partly because his constituent suggested she was going to put a post about the incident on social media and he wanted to avoid a public spat.

He also said she didn't feel able to complain herself because of her medical condition.

He called the investigation process against him "subjective" and said he had no relationship with his constituent other than her being an elector in his ward.

Speaking for the Ombudsman, Katrin Shaw said the complainant felt the incident in the supermarket was "a private matter and should never have been brought to the attention of her employer".

Ms Shaw said: "Cllr Mainon didn't seek to verify the facts with the complainant. He tried to suggest to her employer he had seen CCTV (of the incident) and gave misleading information. [Cllr Mainon] acknowledged he didn't attend her place of work to establish the facts and he accepted making the formal complaint caused her distress."

Ms Shaw added the complainant said his actions had a "huge impact on her" and she had been "very embarrassed".

The complainant was initially "fearful of making a complaint" against Cllr Mainon in case he returned to discuss the issue.

The Ombudsman's office investigated and noted Cllr Mainon's compliance with the inquiry but ultimately said he should face the standards committee for as he had "failed to comply with the following provisions of the Code of Conduct.":

- not to conduct himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute



- not, in his official capacity or otherwise, to use or attempt to use his position improperly to confer on or secure for himself, or any other person, an advantage or create or avoid for himself, or any other person, a disadvantage
- not to use bullying behaviour or harass any person.

Cllr Mainon said in his “other careers” he “sat at a senior level” and considered himself a “problem solver” who would “make a decision and stick to it”.

He added: “I just needed for this constituent to feel she had a voice. I am confused. I’m not here to dispute or argue, I will suffer the consequences.”

The committee agreed with the Ombudsman’s view Cllr Mainon breached the authority’s code of conduct on all three counts.

Ms Shaw for the Ombudsman said the committee “should consider a suspension” of more than one month as it had been a “serious breach of the code” and he had shown a “fairly reckless regard of the consequences” for the complainant.

A spokesman for Denbighshire council said: “The committee found Cllr Mainon had breached the code of conduct and imposed a two-month suspension.

*Extract taken from [www.rhyljournal.co.uk](http://www.rhyljournal.co.uk) – updated 14 June 2021.*

