

Report to the Ethical Standards and Member Development Committee

22 February 2022

Subject:	National Cases
Director:	Director Law and Governance and Monitoring Officer - Surjit Tour
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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.



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

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

7. Appendices

Appendix 1 – Extract taken from

<https://www.sussexpress.co.uk/news/politics/conservative-group-leader-found-to-have-breached-code-of-conduct-3469632>

dated 24 November 2021

Appendix 2 – Extract taken from

<https://www.mylondon.news/news/south-london-news/councillor-broke-rules-anonymous-twitter-22613865>

– dated 31 December 2021

8. Background Papers

No background papers.



Group leader found to have breached code of conduct

The leader of Lewes District Council's Conservative group has been found to have breached the councillors' code of conduct.

Following a hearing on Tuesday (November 23), a council standards panel found that Cllr Linington had acted improperly in calling two Conservative councillors ahead of another standards panel hearing in March.

The panel heard that Cllr Linington had called two Conservative councillors the night before a hearing to determine whether a Liberal Democrat councillor was guilty of failing to uphold the council's code of conduct — a charge he was cleared of.

While the exact contents of the call were in dispute, the panel heard that Cllr Linington had said words to the effect a finding against Cllr Gauntlett would benefit the Conservative group. Cllr Linington initially said these comments had been made as a "joke".

The panel's chairman Cllr Christine Robinson (Lab) said: "The panel concluded that although the exact content of the call is open to interpretation, it is evident that Cllr Linington did refer to the standards panel of March 19 and did use words to the effect that it would be advantageous if Cllr Gauntlett would be found in breach of the code of conduct.

Even if Cllr Linington had intended for her words to be taken in jest, they were capable of being interpreted as an attempt to influence the outcome of the hearing.

The panel also concluded that the comments were improper, as it was not Cllr Linington's role to influence the way in which individual panel members conduct themselves in sitting of the standards panel."

The hearing followed a complaint that Cllr Linington had made the call in an attempt to "coerce" him into finding against Cllr Gauntlett.

While Cllr Burman had not made his own complaint, he told an independent investigator he had received such a call and that Cllr Linington had put it to him "forcefully that the outcome of the hearing should be a finding of breach and disqualification".



Cllr Linington had denied she attempted to coerce the councillors, saying she was attempting to offer reassurance and procedural advice ahead of the meeting in light of speculation surrounding the case.

In an interview with an independent investigator, Cllr Linington said she had said words to the effect that “it would be good if you found him guilty and then we could seek his resignation”, but that these words had been said in jest.

While Cllr Linington did not initially take issue with the investigator’s presentation of this conversation, she later said her words had been “shorn of the uncertainty and the qualifying comments expressed during the interview”.

During the hearing Cllr Linington said she regretted not taking greater care before signing off on the inspector’s presentation of her words.

However, she also said that content of the calls had been “deliberately exaggerated” by Cllr Davis and Cllr Burman as part of an attempt to oust her as group leader.

Cllr Linington said both councillors had shown animosity towards her leadership for some time and that they had been involved in a previous attempt to remove her as group leader.

Both Cllr Davis and Cllr Burman denied their involvement had been motivated by a desire for a change of leadership.

Cllr Linington also pointed to the delay between the call (in March) and the complaint from Cllr Davis (in July) as evidence that her words had not been taken as an attempted ‘coercion’ at the time.

When asked about his delay in reporting the call, Cllr Davis told the panel he had discussed the calls with Cllr Burman in March but neither were of the opinion that a breach of the code had taken place.

He said: “Cllr Burman mentioned the code but we didn’t go into it, because neither of us have the legal knowledge or ability to decide whether a breach of the code was made or not.

As the hearing had been conducted properly for Cllr Gauntlett and he had been found not guilty we decided to let the matter die.”



The panel concluded that Cllr Linington had breached the code of conduct, both by attempting to improperly influence the hearing and by acting in a manner which could reasonably be regarded as bringing her office or authority into disrepute.

Despite this, the panel also concluded that Cllr Linington had not attempted to confer an advantage or disadvantage on another through her actions.

After finding Cllr Linington in breach of the code, the panel agreed to publish its decision, which is to be reported to the next full council meeting.

The panel also instructed the council's monitoring officer to write to Cllr Linington about her breach of the code and to all other councillors with further advice on maintaining the integrity of the standards panel process.

Extract taken from

<https://www.sussexexpress.co.uk/news/politics/conservative-group-leader-found-to-have-breached-code-of-conduct-3469632>

dated 24 November 2021



Councillor broke rules with anonymous Twitter account that trolled housing activists

A South London councillor who trolled housing activists through an anonymous Twitter account broke council rules, an investigation has found.

Cllr Leo Pollak breached Southwark Council's code of conduct by posting his opinions about housing anonymously through the @SouthwarkYIMBY Twitter account.

The Labour councillor for South Bermondsey was the council's housing chief when he branded a campaign to stop the construction of houses on a basketball court "pathetic nimbyism" through the anonymous account.

He resigned from his role as cabinet member for housing in February 2021 after he was uncovered as the man behind @SouthwarkYIMBY. Following his exposure, Southwark Council received a complaint about his tweets.

It commissioned a law firm to investigate whether Cllr Pollak had broken any rules.

The report by law firm, Bevan Brittan, found that while sometimes "provactive," the content of Cllr Pollak's tweets didn't breach the council's code of conduct.

But in acting anonymously, he broke council rules.

The report says: "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 publicly 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.

"We do however find that by acting anonymously the Councillor has breached the Code."

The report stopped short of calling for further action against Cllr Pollak.

It said he had shown "remorse" for his behaviour and resigned from his role as housing chief.



The report also noted that Cllr Pollak had written an apology to the individual who complained about his tweets.

It said: “He has repeatedly expressed remorse for his actions, including via the statement he made to Council after he had admitted that he was behind the Account, and by way of his self-referral through the standards regime.

“Although it took longer than was ideal, the Councillor has now written an apology to the Complainant, which was received on 24 June 2021.

“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 the above, we do not recommend that any further action is required.”

Cllr Pollak told investigators that he created the anonymous Twitter account to address misinformation about social housing schemes in Southwark.

Extract taken from <https://www.mylondon.news/news/south-london-news/councillor-broke-rules-anonymous-twitter-22613865>
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