

# Report to the Ethical Standards and Member Development Committee

22 March 2022

<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.



### 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.sussexexpress.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.



### Maldon district councillor sanctioned for ‘serious’ code of conduct breaches over bullying claims

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A Maldon district councillor has been sanctioned after two investigations into his behaviour recommended that he had bullied council members.

The district council’s joint standards committee unanimously agreed that Independent councillor Chrisy Morris had breached the council’s code of conduct following the findings of two reports into his behaviour.

The first report concerns complaints made by councillors, while the second deals with complaints from the district council’s corporate leadership team.

Mr Lewin, who conducted the second investigation, told the committee: “These are your employees and they are entitled to a safe workplace in which they are not subject to unacceptable behaviour.”

Mr Lewin’s report found that Councillor Morris had shown “a clear pattern of aggressive, intimidating behaviour targeted at an individual officer in an attempt to undermine and humiliate her”.

He also concluded that Councillor Morris had breached the code by “bullying” another officer.

The first report found a “failure to treat people with respect” and “bullying” in relation to Councillor Morris’ behaviour during meetings and in an email which was copied to all members.

It also found that he had disclosed confidential information regarding a former councillor on social media.

Mr Oram, who carried out the first investigation, said: “It’s absolutely important that members are able to express genuine concerns about the conduct of officers as part of their role.

“But it must be done in an appropriate manner and in a manner that allows firstly for the officers to defend themselves against any allegations, and also to respect the privacy of that process while it takes place.”



Both investigators recommended in their report that Councillor Morris “be found to have bullied others” and “conducted himself in a manner which could reasonably be regarded as bringing his office or the authority into disrepute”.

Councillor Morris, who disputed the report’s findings, said: “I have grave concerns and have had grave concerns - as members will confirm.

“I have tried to get these concerns investigated and addressed, and literally I can’t - no one will listen.”

Revealing the committee’s decision, Councillor Mark Bassenger, the chairman, said: “Although we have found serious breaches of the code of conduct, we note that Councillor Morris does not appear to realise how he comes across to others.

“We would therefore recommend that Councillor Morris is provided with and accepts training in conflict management and resolving disputes.”

The committee proposed to “formally censure” Councillor Morris by restricting his access to I.T. and email.

It also recommended that Councillor Morris be removed from all committees and working groups or outside bodies for the municipal year, although he does not currently sit on any.

Extract taken from <https://burnhamanddengie.nub.news/n/maldon-district-councillor-sanctioned-for-serious-code-of-conduct-breaches-over-bullying-claims>

Dated 7 September 2021



### Sheffield City Councillor's face mask pull broke code of conduct

A councillor has been found in breach of code of conduct rules for pulling down a man's face covering during a picket line fracas.

Tony Damms removed the man's mask as councillors became involved in an angry exchange during a strike by University of Sheffield staff in December. The incident, caught on video, came after Sheffield City Council leader Terry Fox was called a "scab".

A standards board inquiry found Mr Damms' behaviour was "unacceptable". Mr Damms said he had pulled down the man's mask to "hear him better". The panel's report said Labour group whip Mr Damms had "failed to respect the member of the public's right to personal space and behaved in a manner which could bring the council into disrepute".

It added: "The wearing of face coverings in the current climate of a pandemic is culturally acceptable, appropriate and demonstrates responsible behaviour. "Mr Damms' behaviour in attempting to remove the face covering was unacceptable."

The board ruled he must have a refresher with the monitoring officer on acceptable behaviour and conduct, the Local Democracy Reporting Service said.

Responding to the findings, Mr Damms said: "The man was very aggressive and I pulled down his face covering to hear him better. I will be acting on the guidance I'm given."

Mr Damms' actions during the incident on 1 December were reported by former Labour Party member Martha Foulds.

Reacting to the panel's ruling, Ms Foulds, who quit the Labour Party the day after the row, said: "Whatever the excuse, moving someone's face covering during a pandemic that has killed millions of people around the world is simply unacceptable.



Extract taken from <https://www.bbc.co.uk/news/uk-england-south-yorkshire-60142908> - dated 26 January 2022

