

Case Summary - Eythorne Parish Council (Dover)

Case no. SFE-000141
Member(s): Councillor Peter Birch
Date received: 20 Dec 2010
Date completed: 23 Mar 2011

Allegation:

The member brought his office or authority into disrepute

Standards Board outcome:

The ethical standards officer found that the member did not breach the Code of Conduct

Case Summary

It was alleged that Councillor Birch was granted access by an unknown member of the Council to the clerk's secured office, where an apparent back up of the Council's computer system took place without prior notice or explanation being offered. It was alleged that during this process three confidential, private e-mails intended for the clerk were opened and read.

The Ethical Standards Officer found that Councillor Birch had backed up the Council computer and that during the process he had opened three unread emails to ensure that they had been included in the back up. The Ethical Standards Officer also found that he had deliberately done this without informing the clerk, although she was aware that Councillor Birch had been designated to look after the Council's IT equipment by the Council.

The Ethical Standards Officer considered it unfortunate that the Council did not have a proper IT policy in place and had agreed no guidelines either as to the use of the Council's computer for personal use or the scope of Councillor Birch's role. However in considering whether Councillor Birch's conduct was "disreputable" the Ethical Standards Officer considered that there must be some additional element pointing to a lapse in ethical standards: this might involve an improper motive, unlawfulness, the hope of personal gain, or offensive behaviour. The Ethical Standards Officer did not consider that such evidence was apparent in this case.

The Ethical Standards Officer considered that there had been no failure on Councillor Birch's part to comply with Eythorne Parish Council's code of conduct.

Relevant paragraphs of the Code of Conduct

Paragraph 5 states;

“You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.”

27 May 2011