

## **STANDARDS ISSUES ARISEN FROM OTHER PARTS OF THE COUNTRY**

### **Cornwall Council**

A Cornwall councillor who said disabled children “should be put down” has been found guilty of breaching the councillors’ code of conduct – but cannot be suspended.

Wadebridge East member Collin Brewer’s comments were described by a panel investigating the claims as “outrageous and grossly offensive”.

Cornwall Council said it received 180 complaints about Mr Brewer following the revelation that he said disabled children should be put down as they cost the council too much – and a subsequent interview he gave to the Disability News Service after his re-election on May 2 where he likened disabled children to deformed lambs.

On Friday its findings were considered by the council’s standards committee in a behind-closed-doors session.

Although Mr Brewer has been found to be in breach of the Code of Conduct, the council does not have the legal power to remove him from his position as a councillor.

A council spokesman said: “The authority previously had the ability to suspend councillors following the investigation and determination of Code of Conduct complaints, however, following the Government’s changes to the Code of Conduct complaints process, this sanction is no longer available.”

The council said that “given the seriousness of the breach” the council’s monitoring has imposed the highest level of sanctions currently available to the council.

These include:

- Formally censuring Mr Brewer for the outrageous and grossly insensitive remarks he made in the telephone conversation with John Pring on May 8 and directing him to make a formal apology for the gross offensiveness of his comments and the significant distress they caused.
- A recommendation to the group that Mr Brewer should not be allocated a seat on any Council Committees that deal or might deal with issues relating to disabled children or other vulnerable members of the community and that he should be banned from access to Council premises or parts of premises where services to disabled children are provided, managed or commissioned.
- That Councillor Brewer is not nominated as the Council’s representative on any outside body that is involved with providing services or support to disabled children or other vulnerable members of the community.
- Mr Brewer will also be expected to attend further training on the Code of Conduct and in dealing with the media.

A council spokesman added: "We recognise the strength of feeling on this sensitive issue and share the frustrations of members of the public over the limited sanctions at our disposal. The monitoring officer has made it clear that if the powers had still been available to the council he would have either recommended that Mr Brewer be suspended or referred the matter to the First Tier Tribunal who would have had wider powers of sanction available to them.

"This view is supported by members of the Council's Standards Committee who are recommending that the Council writes to the Department for Communities and Local Government and the Committee for Standards in Public Life expressing the Council's concern over the removal of the authority's power to impose meaningful sanctions in response to breaches of the Members' Code of Conduct. This recommendation will be discussed at tomorrow's meeting of the full Council."

### **(Same item as reported on BBC website)**

A councillor has been censured for his "grossly offensive" comments that linked disabled children to deformed lambs and banned from premises where services for the disabled are provided.

Collin Brewer, who said in 2011 that disabled children should be put down, resigned from Cornwall Council but was re-elected in May.

The council said it did not have the power to legally remove him.

Mr Brewer, 68, from Wadebridge, has been unavailable for comment.

A formal investigation started after Mr Brewer told the Disability News Service (DNS) he believed there was a good argument for killing some disabled babies with high support needs, because of the cost of providing them with services.

### **'Significant distress'**

The independent councillor's comments sparked nearly 200 complaints to the authority.

Details of the council's decision have been published on its website.

It said Mr Brewer had seriously breached the members' code of conduct and the highest level of sanctions available had been imposed on him, including formally censuring him for his "outrageous and grossly insensitive remarks" and the "significant distress they caused".

The monitoring officer who led the investigation has also recommended that Mr Brewer should not sit on any committee that might deal with issues relating to disabled children, or other vulnerable members of the community.

## **'Frustrations shared'**

Mr Brewer will not be nominated as the council's representative on any outside body involved with providing support for disabled children.

A statement said: "We recognise the strength of feeling on this sensitive issue and share the frustrations of members of the public over the limited sanctions at our disposal.

"The monitoring officer has made it clear that if the powers had still been available to the council he would have either recommended that Councillor Brewer be suspended, or referred the matter to the First Tier Tribunal - who would have had wider powers of sanction available to them."

Council leader John Pollard told BBC News he believed Mr Brewer was going to to resign.

"I do understand that Colin has informed the monitoring officer of his intention to resign from Cornwall Cornwall," Mr Pollard told BBC News.

Cornwall Council said nothing had been received in writing from Mr Brewer.

The council emphasised it had never had the power to "sack" councillors, although it could previously suspend them following the investigation and determination of code of conduct complaints.

However, government changes to the Code of Conduct complaints process last year means this sanction can no longer be used.

The council is considering writing to the Department for Communities and Local Government to express its concern over the removal of the authority's power to impose "meaningful sanctions".

## **Cheshire West and Chester**

### **Extract from Chester Chronicle**

A COMPLAINANT offended by a d\*\*\*heads comment made by Tory council leader Mike Jones at a public meeting is furious no action will be taken because the leader may have been attending as a private citizen.

Tattenhall resident and former Sportsman's Arms landlord Colin Oats overheard Cllr Jones call two residents d\*\*\*heads at a public meeting to discuss housing applications in The Barbour Institute last July.

This was after he was asked for his views on the planning applications being discussed in his capacity as ward councillor.

Cheshire West and Chester Council spokesman Ian Callister later issued a statement saying the 'the leader of the council regrets the expression'.

Cllr Jones, who refused to take part in the subsequent council investigation, apologised to anyone attending 'who was offended' in a letter dated last month.

Investigator Mike Dudfield, who was commissioned by the council, originally found Cllr Jones broke the members' code of conduct but has now amended his report following the receipt of the letter in which Cllr Jones also said he 'only popped in for the last 10 minutes' as he was meeting a friend later.

Mr Dudfield speculated: "It appears that Cllr Jones is suggesting that he was not attending the meeting in his capacity as a borough councillor."

The investigator now says: "I cannot say whether I would have reached the same conclusion in relation to the application of the code to the subject matter of the complaint."

Consequently the council's monitoring officer, Meic Sullivan-Gould, was left with two options – either to commission a further formal complaint or to take no action.

He told Mr Oats: "The investigator has suggested that even if there were a further investigation and that a complaint panel were satisfied that there had been a breach of the council's code of conduct then the apology that has already been given would be sufficient to conclude the matter. I agree with the investigator."

Mr Sullivan-Gould added: "The council's procedures provide that a decision to take no action on a complaint is final. There is no right to have the decision reviewed."

“It stinks,” said Mr Oats, who also took exception to a comment from the investigator, who told the monitoring officer nothing was likely to dissuade him not to ‘have his day’ before the panel.

Mr Oats said: “He says it was about me having my day but it was never about that. It was about making sure the leader of Cheshire West and Chester Council treats people with respect.”

Tom Fell, founder of Cheshire Farm Ice Cream and a former parish councillor, who believes the councillor directed his ‘d\*\*\*heads’ outburst at him and another person in the room, said: “It stinks. The whole lot stinks.”

## **Wigan Council**

### **Extract from Wigan Today**

WIGAN Council's chief executive is facing calls for her to face the sack over an email fraud row engulfing the town hall.

Opposition councillors angered by Donna Hall's handling of complaints about a Liberal Democrat councillor who posed as a council officer will table a motion at the next full council meeting demanding she is dismissed by the authority.

The move follows an unprecedented summit of all opposition groupings on the council in Hindley earlier in the week called after Coun Robert Bleakley was reported to police by the town hall supremo.

Coun Bleakley was found to have altered an email from director of economy Steve Normington to make it appear he and other officers were biased towards the ruling Labour group.

Ms Hall followed this up by jointly signing a letter from the town hall unions sent by recorded delivery to every councillor over the weekend warning of strong action should there be any further attacks on officers of the authority by councillors. Opposition councillors – headed by Standish independent councillor, Gareth Fairhurst – claim the council is overreacting at the behest of the ruling party.

Coun Fairhurst said: "While I cannot condone Coun Bleakley's actions I do feel his frustration about the way the council favours Labour councillors over opposition councillors.

"You only have to look at the number of times the council has reported opposition councillors to the police with no reason and the police have subsequently taken no action, to my knowledge, wasting tax payers money for political ends.

"It was only a few weeks ago the council wasted over £12,000 by reporting me to the police but they didn't even come to talk to me because there was no case and I suspect this will be the same here.

"In my opinion the council is getting involved with political arguments which it shouldn't be and mis-using powers against opposition councillors."

The motion will be tabled at the next full council meeting on July 17. All councillors will be asked to vote on the proposition to sack Ms Hall but given the Labour group's overwhelming majority it is virtually guaranteed to fail.

However, opposition councillors feel the move will demonstrate the depth of ill-feeling on their benches about the way Coun Bleakley and others have been treated by the council hierarchy.

Leader of the opposition Coun Gary Wilkes said the Wigan Independent Group (WIN) he leads is seeking expert legal advice to “see what course of action the group needs to take next.”

Council leader and Labour group boss Lord Smith, however, described the move as a “clear attempt” by opposition councillors to divert attention from a number of serious breaches of the Councillors’ Protocol by “several” of them.

He said: “If they had consulted the council’s legal department they would have been told there is a statutory process for removing a chief executive which involves an independent investigation.

“The council does not have the power to act without this.

“Rather than wasting time on pointless motions or plotting on Monday evening in Hindley, the opposition would do better to improve their behaviour and stopping trying to bully staff at all levels.”

A town hall spokesman declined to comment.

### **(Same story -Extract from Leigh Journal)**

A COUNCILLOR who is facing a police investigation for fraud has been branded as ‘appalling’ and ‘diabolical’ by union and council chiefs.

Lib Dem Tyldesley Cllr Robert Bleakley, who has been suspended by the Standards Board three times in the past nine years, is accused of altering an officer’s email in a bid to tarnish the reputation of long-serving director of economy Steve Normington.

In a letter sent to all members of Wigan Council, chief executive Donna Hall, Unison’s Stuart Fenton, David Hope from GMB, Gary Fisher at UNITE and Alan Marley from UCATT criticise Cllr Bleakley’s ‘appalling behaviour’ and say that ‘forging an email is absolutely diabolical’.

The letter states: “Cllr Bleakley deliberately made up these allegations which could have resulted in the dismissal of two officers.

“Wigan Council has a great reputation, but it has one of the highest number of standards complaints in the north west.

“One of the reasons for this is the bad behaviour of a handful of members who vent their frustrations on officers.”

The letter adds that this kind of behaviour needs to stop as it causes staff undue [work](#)-related stress and anxiety.

Stuart Fenton, branch secretary of Wigan Unison, said he is 'appalled at how some councillors are treating and speaking to members of staff' and he 'expects dignity and respect in the workplace'.

Clr Bleakley was suspended by the Standards Board for three years in 2004 for four breaches of the Councillors' Code of Conduct and again in 2005 for attempting to bribe a council officer not to give evidence in respect of his first tribunal.

He was suspended for six months in 2010 for intimidating and bullying a member of council staff and had to formally apologise.

Clr Bleakley is now alleged to have doctored an email from a council officer and then sent it on, claiming it was from the unnamed officer.

In an official statement to the Journal Donna Hall, chief executive of Wigan Council, said: "This is a very serious complaint, and councillors should think carefully before making fictitious allegations.

"It's very disappointing that this councillor has clearly not learned lessons from his previous two suspensions from the council by the Standards Board for England.

"Council officers have a right to come to work and do their job without being attacked by elected members. I will not allow my officers to be maligned."

Tyldesley Clr Stephen Hellier said: "Although for me this comes as no surprise, this news will be received with disappointment and shock by the decent people of Tyldesley who voted for Clr Bleakley just over a year ago."

Clr Bleakley said: "I admit I have been foolish and for that I have apologised unreservedly to the officer involved and hopefully that's the end of the matter."

## **Cheshire East**

### **Extract from Knutsford Guardian**

A ROW has erupted at Cheshire East Council after a councillor made public a confidential email relating to the appointment of the authority's new deputy mayor.

In an email leaked by Independent councillor, Brendan Murphy, outgoing interim chief executive Kim Ryley wrote to members saying he was taking the 'unusual step' of advising councillors of their conduct.

Mr Ryley was responding to the council's pre- mayor making discussions on May 7, in which Independent councillors unanimously opposed the nomination of Cllr Wesley Fitzgerald to be elected to the post of deputy mayor on May 15 (today).

Two days later, Mr Ryley circulated an email reading: "In over thirty years of public service, I can remember few occasions as sad and dispiriting as the one I witnessed Tuesday night.

"For some elected members to engage in such personal vilification of a political colleague, and in a direct personal challenge and insult to the authority of the current mayor in a public meeting - at which the local media were present - is in my view both unseemly and irresponsible, given its potential damage to the public reputation of the Council as an institution."

He added: "Such small minded and petty behaviour is not the mark of a mature organisation worthy of public trust and respect."

Shortly afterwards, Cllr Murphy, member for Tytherington and Bollinbrook, circulated an email addressing Mr Ryley.

It read: "You are entitled to your opinion, which may well be shared by others, but as a public official you have no right gratuitously and personally to insult elected members under the specious cloak of anonymity and confidentiality."

He called on Mr Ryley to 'apologise so that we can leave the matter as it is stood before your outburst, and look forward to the mayor making ceremony free from friction and simmering resentment.'

Cllr Fitzgerald was confirmed as deputy mayor at a ceremony held at Tatton Park earlier today, Wednesday.

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AFTER the emails were made public, Cheshire East Council released an official response.

A spokesman said that the deputy mayor making process 'has followed completely in compliance with the constitution.'

He added: "The council's constitution states that, each year, the deputy mayor will be chosen for appointment by council by the political group which has the majority of council members, provided that in making such choice another political group or groups may be invited to put forward a nomination for consideration by the majority group.

"This is the process that has been followed. On Wednesday, a meeting of full council will elect the mayor and appoint a deputy mayor.

"It is perhaps worth pointing out that the mayor elect is actually a member of an opposition party."

**Kim Ryley** also offered a response.

He said: "As a chief executive, I have a legal duty to uphold the highest ethical standards for those in public office.

"It is regrettable that an elected member is both ignorant of this and has chosen to publish what was clearly marked as personal and confidential correspondence.

"This demonstrates the need for me to write as I did, so that there can be no doubt about the legal requirements on elected members.

"It is not an action I took lightly or without careful thought."

## **Sheffield Council**

### **Extract from the Sheffield Star**

CONDUCT of Sheffield councillors has come under fire - with complaints about some members reading newspapers, books and magazines, texting, emailing, and even falling asleep during meetings.

Party leaders have pledged to crack down on the problem following a complaint by the Federation of Small Businesses.

Gordon Millward, the federation's regional chairman, presented a petition to the full council meeting on Wednesday calling for an inquiry into whether Sheffield City Airport should be reopened.

Ruling Labour councillors rejected the need for an inquiry into the airport - and said it was a private business matter.

But Mr Millward said: "Few of the elected councillors troubled to listen to anything that was said.

"The man reading the TV Times certainly didn't, nor the five or six who were catching up on their emails, not to mention the ones who spent the entire session texting.

"The only sign of engagement was when the party leaders hauled on the pulleys which hoisted the collective arms of their parties' adherents in the air to vote."

During debates on the airport petition, and a following discussion about the future of libraries, councillors were seen falling asleep, reading or using their mobile phones rather than paying attention.

Lord Mayor, Coun John Campbell, said: "As chair of the council, I would expect council members to ensure that they behave appropriately and give the meeting agenda their fullest attention.

"I will, of course, remind members of this at future full council meetings."

Labour deputy council leader, Coun Harry Harpham, said: "I will certainly be making my group aware of this issue and reminding them that they are there to represent the people.

"Councillors get casework and sometimes have to answer emails during full council, but should nevertheless give their full attention."

Lib Dem opposition leader, Coun Shaffaq Mohammed, said: "I will be taking up this issue with my side."

## **Cotswold District Council**

### **Extract from Wiltshire and Gloucester Standard**

A LEGAL action by outspoken Cotswold Water Park councillor Esmond Jenkins against Cotswold District Council has been thrown out by a judge.

Cllr Jenkins (Lib Dem) took the action against [CDC](#), claiming the authority should have provided him with legal cover during his Standards for England hearing in January 2012, but the judge at Oxford County Court threw out the case on Monday, saying it had very little chance of success.

Last year's hearing was held following a number of accusations that Cllr Jenkins had bullied and intimidated CDC officers and employees of developer Watermark.

Although he was found to have breached the member's code of conduct, the majority of accusations were dismissed.

Cllr Jenkins told the Standard he intended to appeal.

## **Weymouth and Portland Borough Council**

### **Extract from the Daily Telegraph**

Tory councillor urged to resign after saying coffee shop staff 'needed good beating'

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Peter Chapman took to social networking site Facebook to complain after he received slow service in a Costa Coffee.

He posted a message slating the members of staff at the branch in Dorchester, Dorset.

His message read: "Terminally slow (and bad) service from the bone idle b----- at Costa Dorchester today, they all need a good beating."

Visitors to his personal Facebook page were horrified by his remarks and are now urging Mr Chapman to resign from Weymouth and Portland Borough Council.

Mr Chapman, who has been a councillor for five years, has since tried to back-track from his comments which he said were made in jest.

He said: "My Facebook status is private and that comment was not made in public."

But a local womens' rights group has branded the comments as 'terrible'.

Toni McKee, chairman of Women's Action Network Dorset, said: "I think this is absolutely terrible and there are no grounds for even joking about something like that.

"We are working so hard to break the perception that domestic violence is acceptable, so it is shocking that someone in a public position should say something like this.

"I think he should step down."

Gemma Stephenson, assistant manager at the Costa Coffee shop in Dorchester, said the remarks were 'shocking'.

She added: "It's not a nice thing for anyone to say, and definitely not something a councillor should be saying."

Alison Moore, president of the Chamber of Commerce in Dorchester, said: "I do not know the man but he should consider apologising.

"I can understand the frustration when you are in a queue and it's busy but that is a really unacceptable thing to say and I'm quite shocked.

"If it was a genuine mistake then he should think about how he might be able to repair the damage."

## **Westbury, Wiltshire**

### **Extract from This is Wiltshire**

Defiant Westbury councillor stands by his conduct

A standards hearing has found that Wiltshire and Westbury councillor Russell Hawker failed to treat a member of the public with respect.

It decided Councillor Hawker was in breach of the old code of conduct, after failing to treat Ian Taylor with respect on three separate occasions during October and November of 2011.

Cllr Hawker was found to have breached the code initially during his speech at The Laverton re-opening event, on October 21, when he criticised Mr Taylor in public, although without naming him.

Mr Taylor was in charge of applying for grants from the Heritage Lottery Fund and the Big Lottery Fund for the refurbishment of The Laverton. Cllr Hawker, who was an active member of The Laverton Management Working Group at the time, disagreed with the decision and was critical of Mr Taylor when he failed to get any grants.

Further breaches of the code came in posts on the Westbury Town Forum on October 22 and in an email sent to members of The Laverton General Interest Group on November 25 and 26.

Independent Cllr Hawker said: "I don't believe I was in breach of the code. I have a good working knowledge of the old code of conduct, as I have been accused and cleared before.

"I still stand by everything I have said about Ian Taylor. More allegations were thrown out than were determined to be a breach of the code.

"The requirement for respect doesn't exist in the new code of conduct, brought in last year, as it was at the bottom in the old code and brought about fairly trivial accusations. There are a number of issues with the current system, as there is no appeal process and it's based on the view of a panel made up of my political opponents."

Cllr Hawker caused controversy in 2010, after he wrote on his Twitter page that the Hillsborough stadium disaster, in which 96 Liverpool football supporters died at an FA Cup tie in Sheffield, was caused by hooligans pushing and shoving.

Mr Taylor, who is now a councillor for Westbury, said: "I am very pleased with the decision and I feel I have been vindicated in making my complaint. I don't think this

will be the end of the matter, as he has continued to accuse me of lying and I will take up the matter with Westbury Town Council.”

The standards sub-committee hearing on July 30 recommended that Westbury Town Council consider sanctioning Cllr Hawker by way of censure and giving him suitable training about his obligations under the code of conduct.

## **Kirklees Council**

### **Extract from Huddersfield Daily Examiner**

11 complaints made about Kirklees councillors - including a row over council-funded ipad use in meetings

Eleven complaints were made against Kirklees councillors in the last 12 months.

They include concerns about share ownership, conduct in meetings and unhappiness about the use of a council-funded ipads during meetings.

Details of the 11 complaints are outlined in a report which has been considered by the Standards Committee.

However, Kirklees has chosen not to name any of the councillors the complaints relate to.

The council's Monitoring officer has ruled there needs to be clear guidance about use of the ipads, which cost up to £25,000.

#### Complaint one:

A complainant said a Kirklees councillor refused to meet him. The ward councillor has spoken to the man on a number of occasions and had taken him to meet the Deputy Leader. However, after the ward councillor helped him secure funding the member felt he had been let down and was not willing to meet.

**RESULT:**The Monitoring Officer concluded there was insufficient information to demonstrate a breach of the Code of Conduct. No further action was taken.

#### Complaint 2:

Complaint about a councillor's conduct at a Licensing Panel for the complainant's premises licence hearing.

A ward councillor, not a member of the panel, was alleged to have made untrue and insulting allegations about the complainant.

The Monitoring Officer found the ward councillor was entitled to put forward their concerns and found no breach.

**RESULT:**The complainant referred it to the Local Government Ombudsman who did not investigate.

#### Complaint 3:

One Kirklees councillor formally complained about another over the use of a council-funded ipad.

The complainant councillor had used the ipad during a sub-committee to look at relevant information. It's alleged the chair publicly criticised the councillor in a way they felt it caused "unnecessary distress and embarrassment" in front of the public and council officers.

The complainant approached the chair to discuss it and was told to make a formal complaint.

And the Monitoring Officer has ruled that "there was a need for councillors to be clear about what use of electronic devices in formal meeting is acceptable and what is not".

The Monitoring officer said the role of the chairman was to maintain order and it was proper to query what the complainant was doing, especially as the ipad was brought to the chair's attention by a member of the public.

**RESULT:**No further action was taken.

#### Complaint 4:

A complainant raised concerns about the conduct of a Kirklees councillor, elected in May 2012, in their role with a voluntary organisation.

It's alleged the voluntary organisation failed to comply with various requirements of its lease and the council's Head of Audit and Risk had investigated.

**RESULT:**The Monitoring Officer said there was insufficient information about the councillor's role after they had been elected and did not uphold the complaint.

#### Complaint 5:

Conduct of a ward member involved in a consultation process about the future of a community centre. Allegation that the councillor was biased.

Council papers say the Monitoring Officer sought a formal response from the councillor, which was not responded to. The Officer sought a further response and the councillor has "responded but is not prepared to authorise the Monitoring Officer to share the response with the complainant"

**RESULT:**The matter is ongoing.

#### Complaint 6:

Conduct during a telephone conversation. A councillor spoke to a consultant on behalf of a constituent.

The consultant complained they felt harassed by the councillor.

**RESULT:**No further action as investigation would not result in clear findings about what took place.

#### Complaint 7:

Complaint about comments made by a councillor about taxi drivers to Licensing, which were published online and in the Examiner.

The Monitoring Officer took no further action on the basis that the ward member had the right to comment on his concerns and if members were overly-cautious it could “undermine their role as a democratically elected representative”.

**RESULT:**No further action but the councillor was written to and given advice about directing his opposition.

#### Complaint 8:

A councillor’s alleged failure to register a disclosable pecuniary interest in relation to their ownership of shares in a social club and the councillor’s management of the club.

The councillor accepted they did not make the appropriate declaration and has updated them.

**RESULT:**The Monitoring Officer is waiting for further details before concluding.

#### Complaint 9:

A councillor allegedly “shoulder-charged” the complainant on their way to a meeting and refused to listen.

The councillor said the complainant prevented access and police were called. The councillor claims there is CCTV footage and the complainant is vexatious.

**RESULT:** Investigation ongoing.

#### Complaints 10 & 11:

Two complaints against Parish Council members in Kirkburton and Denby Dale.

In Kirkburton a parish member, who has now resigned, was alleged to have failed to declare personal and prejudicial interests and conducted themselves in a manner which brought the office or council into disrepute.

It relates to the councillor’s conduct during decisions about financial allocation.

The Monitoring Officer concluded there had been no breaches.

After the councillor resigned the complainant did not wish to pursue it.

A further complaint was made about two Denby Dale Parish members' comments during a site visit.

**RESULT:**The Monitoring Officer concluded both councillors breached the Parish Code of Conduct. One member accepted he acted out of character and expressed regret. Apologies were given.

A Kirklees spokeswoman said: None of the complaints received since 1/7/12 have yet resulted in an investigation or any finding that any councillors have breached the code of conduct.

As set out in the report, in some cases no further action is to be taken, and in others councillors have been offered advice by the Monitoring Officer.

Where advice has been offered it has been offered without any finding of wrongdoing. In those circumstances the councillors have a legitimate expectation that unproven allegations about them will not be published in a way which identifies them. The public interest in scrutiny of the system for dealing with complaints about the conduct of councillors is met by the public report to standards committee setting out the complaints received and how they have been dealt with.

The two complaints received before 1/7/12 have been formally investigated. As set out in the report, in one case there was a finding of breaches of the code of conduct but the matter has not gone to a hearing at which the councillors could defend themselves against the complaint. In the other case the sub-committee was not prepared to accept the finding that there had been no breach of the code of conduct on the information available to them, again the councillor has not had the opportunity to defend themselves at a hearing. These councillors also have a legitimate expectation that unproven allegations about them will not be published in a way which identifies them, especially given the lapse of time since the allegations were made.

## Thanet, Kent

### Extract from This is Kent

FORMER Thanet council leader Sandy Ezekiel was jailed for 18 months today for misconduct in public office.

Judge Andrew Nicol sentenced the disgraced Cliftonville East member after the jury reached a unanimous verdict in a landmark ten-day trial at Maidstone Crown Court.

His friend, Philip Emanuel received a suspended 12-month sentence after his conviction for aiding and abetting him to buy a council-owned house in Margate Old Town.

Ezekiel was also found guilty of using his position to demand enforcement action against a neighbouring shop in King Street, resulting in the eventual purchase.

Mr Justice Nicol said: "These are grave offences. Those in public office sometimes gain great prestige but with that comes great responsibility.

"The public put their trust in councillors. It is essential in a democracy that the public can be confident that those who hold office and **exercise** those responsibilities on their behalf do so with integrity and honesty.

"If that trust is abused, as you have done, you have to understand that punishment will follow."

Misconduct in public office by a councillor is a rare case but police and prosecutors welcomed the sentence.

Detective Sergeant Adrian Brown, who led the investigation, said: "Ezekiel abused his position of power and trust in a public office to wrongly put pressure on the owners of 12a King Street to sell in an already stressful economic climate.

"This came after he had already deceived his own council, of which he was meant to be the leader, by getting his close, long-standing friend Philip Emanuel to purchase 12b King Street on his behalf.

"This sends out a strong message to anyone thinking of misusing their power that they will be investigated and pursued to the full extent of the law."

Nigel Pilkington, Head of South East Complex Casework Unit, said: "Ezekiel abused his position as an elected public official by using information not available to the general public to purchase two adjoining properties in a regeneration area of Margate.

"It was clear from the evidence he did his for his own advantage.

"He well knew he was bound by a code of conduct and despite this he didn't notify council officers of his involvement."

There will be a hearing in June to determine confiscation of assets.

## **Scarborough, Yorkshire**

### **Extract from Yorkshire Post**

POLICE have been called in to investigate the actions of a senior councillor who set up a minerals company in the wake of a planning application for a huge £1bn potash mine in North Yorkshire.

The move follows the failure of Tim Lawn, former planning chairman of North York Moors National Park Authority, to register the creation of Hollybush Minerals last October.

Until March, Mr Lawn was chairman of the planning committee considering proposals for highly lucrative mining of potash, a key component in fertiliser. Landowners in the area could receive millions of pounds for mineral rights if the plans go ahead.

Mr Lawn, who was also a member of Scarborough Borough Council, took no part in any of the planning meetings discussing the ongoing York Potash application but did not register the company.

Councillors are legally required to register financial interests within 28 days, with failure to do so potentially a criminal offence.

North Yorkshire Police have been asked to investigate by the official responsible for councillor conduct on both the park authority and Scarborough Council.

Mr Lawn, a landowner with substantial mineral rights in the area, said he could not comment on Hollybush Minerals as it was now the subject of a police inquiry. But said he had taken no part in the York Potash application and had otherwise declared his interests.

He registered Hollybush Minerals with Companies House on October 5 but his financial interest in the company was not registered with the national park authority until March 12. Six days later Mr Lawn resigned from Scarborough Council which meant his membership of the national park authority – as a council nominee – also lapsed.

Hollybush Minerals appeared on Mr Lawn's updated register of interests with Scarborough Council two days after he resigned.

Mr Lawn owns Hollybush Farm at Littlebeck, near Whitby, and has recently bought more land in the area. He said: "I have always declared my interests with regard to land ownership and mineral rights and I have never taken part in any meetings on the York Potash application. I have kept out of anything to do with the application."

The park authority's chief executive Andy Wilson said: "We have to let the investigation run its course. It would be wrong to pre-judge the outcome in any way.

"Clearly there is the potential for the investigation to suggest the authority's decision-making – as opposed to what Tim Lawn may have done personally – has been in some way affected.

"I want to stress to the public that of 16 test drilling applications from York Potash, Tim Lawn declared a prejudicial interest and played no part. Members as a whole were aware Tim Lawn had prejudicial interests and last year it was agreed someone else would have to chair meetings on the substantive application so there hasn't been a question of Tim Lawn being involved in the planning application."

Lisa Dixon, Scarborough Council's legal director, said: "The investigation into former borough councillor, Tim Lawn, relates to the failure to disclose a pecuniary interest.

"Although a member of the public referred this to us as a complaint, we were already taking steps in relation to the matter. However, the investigation has now been referred to North Yorkshire Police and we are unable to comment any further at this time."

Sirius Minerals, which owns York Potash, first announced plans to develop the mine in January 2011. The firm claimed the mine will create more than 5,000 jobs.