

**Standards Committee - 10<sup>th</sup> January 2011**

**Report of the Monitoring Officer**

**Standards for England Case Review**

**Purpose of Report**

1. To consider the Standards for England Case Review 2010.

**Background**

2. At the request of Monitoring Officers, Standards for England has prepared a new edition of its Case Review.
3. The Case Review is no longer printed in hard copy and can be accessed at:-  
<http://www.standardsforengland.gov.uk/CaseinformationReporting/OnlineCaseReview2010/>
4. The edition includes useful links to the decisions that are published on the First-tier Tribunal's own web site.
5. The following are some examples of cases dealt with by the Adjudication Panel for England in 2010. These cases cover issues relating to Members acting in their official capacity and use of Twitter and the Internet as well as Personal and Prejudicial Interests:-

APE 0503

In this case the member was taken to task for comments made in a newsletter and on his Twitter site. He claimed that he was not acting in his official capacity when making the comments. The newsletter was described as a community newsletter. It consisted of four pages and was overwhelmingly written in the first person as if by the member. The member operated a 'Twitter' site in which he referred to himself by the title "Councillor" and where he regularly discussed council issues. He also operated a separate site, using his name followed by a number, where the title 'Councillor' did not appear.

In both the newsletter content complained about and the Twitter site postings he was found to have been acting in his official capacity. Only part of the newsletter content was found to have constituted a breach of the Code.

APE 0421

The Appellant argued that she was not acting in her official capacity as all her comments on an internal newspaper forum were made in her private time and all using the pseudonym of “indie”.

The Appeals Tribunal accepted that even if it became clear from the forum that an individual who was posting on the forum was a councillor, the Code of Conduct would not automatically be engaged. The question was whether in the postings on the forum the councillor was, or gave the impression that she was “acting in the role of councillor”. This was fact-sensitive and would very much depend on the content of the postings.

It was noted that the member had used a pseudonym, and that she stated in at least one of the postings that she was on the forum as a resident who just happened to be a councillor. However, taking the contents of the postings on the forum as a whole the Appeals Tribunal concluded that the Appellant did give the impression that she was acting in the role of councillor and thus representing the council.

LGS/2010/0492

This appeal concerned a member’s involvement in consideration of a report prepared for the council which responded to the outcome of a consultation exercise about residential care services and set out proposals that would form the basis of the next consultation for modernising those services. The report identified workforce issues and stated ‘...changes provision will impact on staff...’ and ‘...workforce planning will look at the skills required and establish what alternative employment/training opportunities are needed to ensure the effective use of staff...’

The member’s partner was employed as a care assistant at a council run day centre identified in the report and it was evident that the member’s partner could potentially be affected by the proposals outlined in the report. The Standards Committee had found that the member’s partner was a ‘relevant person’ within the meaning of paragraph 8(2) of the Code. It was also found that he had a personal interest which was prejudicial in accordance with the definition contained in paragraph 10 of the Code. The tribunal agreed. In deciding a period of suspension for one month, the tribunal said that the principal purpose of a sanction is the ‘need to impress upon the [member] the severity of the matter and the need to avoid repetition.’ They concluded that a suspension for one month would bring home to the member the seriousness of what he has done, and send the right message to all concerned that a serious view was indeed being taken of what he had done.

LGS/2010/0489

In this appeal the member was chairman of the local British Legion and a member of the local community council. The agenda for a meeting of the community council had an item “The British Legion Hall to discuss the future of the hall.” At the start of the meeting the member declared a personal interest in the item. The item was not discussed.

The obligation to disclose an interest is provided for by 9(1) of the Code of Conduct which provides “where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration”. Paragraph 10(1) does not change the point at which the interest should be declared. Since the meeting did not consider the question of the British Legion Hall no duty to declare the existence and nature of his interest arose and therefore there was no breach by the member whether or not his interest in the British Legion Club was prejudicial interest.

### **Finance**

6. There are no particular financial implications arising from this report.

### **Law**

7. The relevant legislation regarding the Code of Conduct is contained in Part III of the Local Government Act 2000 and the Standards Committee (England) Regulations 2008.

### **Equality Impact**

8. There are no equality impact implications arising from this report.

### **Recommendation**

9. It is recommended that the Committee note the details contained in this report relating to the Standards for England Case Review 2010.



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### **List of Background Papers**

None.