

Parish Councillor Suspended for Four Months

25 March 2010

Astley Village Parish Councillor Rod Fraser was suspended from office for four months today (24 March) after he was found to have breached several parts of the members' Code of Conduct (the Code).

The suspension of Councillor Fraser follows a Standards for England (SfE) investigation and will begin today.

The Tribunal found that Councillor Fraser had breached the parts of the Code which relate to treating others with respect, bullying, bringing office or authority into disrepute and members' registration of interests.

Councillor Fraser was found to have breached the Code by making 'public, unsubstantiated allegations' about the parish clerk, making 'false allegations' about another councillor, and by failing to declare the fact that he was a school governor in the authority's register of members' interests.

Dr Robert Chilton, Chair of Standards for England, said: "Councillor Fraser showed a lack of respect for his colleagues, his authority and his office through his actions.

"We welcome the four-month suspension imposed on him by the First-tier Tribunal, which sends out a clear message to members of the public that appropriate action will be taken against members whose ethical standards fall short of expectations."

Ends.

For media enquiries, contact the press office on 0161 817 5400 or email press.enquiries@standardsforengland.gov.uk.

Notes for editors

1. The First-tier Tribunal (Local Government Standards in England) is the name of the body which has replaced the Adjudication Panel for England and is a separate body to Standards for England.

Standards for England (SfE), through its Ethical Standards Officers (ESOs), investigate potential breaches of the Code of Conduct but do not determine sanctions to be imposed on members who have breached the Code.

At the end of an investigation, SfE can refer the case to the First-tier Tribunal if the potential breach is sufficiently serious to warrant a form of sanction.

The First-tier Tribunal is an independent judicial tribunal. The Lord Chancellor appoints its members following consultation with the Secretary of State for Local Government

For further information, please visit www.adjudicationpanel.tribunals.gov.uk/

2. To view the Code of Conduct, please visit
www.opsi.gov.uk/si/si2007/uksi_20071159_en_1

3. For media enquiries, please contact the press office on 0161 817 5400 or email
press.enquiries@standardsboard.gov.uk

Case Summary - Immingham Town Council

Case no. SBE-07779-C4LOG
Member(s): Councillor Michael Perrin
Date received: 27 Oct 2009

Allegation:

That the member failed to treat others with respect, bullied someone and 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 Michael Perrin had failed to treat the Town Council's clerk with respect on a number of occasions since December 2008. Councillor Perrin's alleged conduct included spreading malicious gossip; questioning the clerk's ability; releasing private correspondence in order to undermine him; making derogatory comments about the terms and conditions of his employment; and treating the clerk in a demeaning and unflattering manner.

Councillor Perrin resigned from his position on the Town Council on 29 November 2009. The ethical standards officer only considered his interactions with the clerk up to that date.

The ethical standards officer found that almost all of the interactions between Councillor Perrin and the clerk had occurred by private email. An examination of the correspondence between them indicated that their initial correspondence got their relationship off on the wrong foot and that it gradually deteriorated as time passed.

When considering whether Councillor Perrin had failed to comply with the Code of Conduct the ethical standards officer was of the view that Councillor Perrin was entitled to challenge the advice provided by the clerk and disagree with it if he saw fit. Further, Councillor Perrin was entitled to let the clerk know that he was unhappy with some of the responses he received.

The ethical standards officers considered that while some of Councillor Perrin's comments to the clerk came close to the line, they were made in direct private emails to him as the most senior officer within the Town Council and were not sufficiently offensive to amount to a failure to treat others with respect.

The ethical standards officer also considered whether the cumulative effect of Councillor Perrin's emails to the clerk could amount to bullying behaviour.

Councillor Perrin was an independent member whose expressed frustrations often arose from the fact that he had little power or influence over the rest of the Council. The clerk, who enjoyed support from the majority of the Council, showed himself capable of responding to Councillor Perrin's emails in a robust manner. The ethical standards officer took into account the context in which the emails were sent and that the conduct complained of was almost entirely limited to a sporadic exchange of private emails that were not in themselves disrespectful. The ethical standards officer considered that in these circumstances the conduct did not amount to bullying.

As the ethical standards officer did not find that Councillor Perrin's behaviour was either disrespectful or bullying, she did not consider that Councillor Perrin brought either his office or authority into disrepute.

The ethical standards officer considered that Councillor Perrin did not fail to comply with the Code.

Relevant paragraphs of the Code of Conduct

Paragraphs 3(1), 3(2)(b) and 5

3(1) You must treat others with respect

3(2) You must not... (b) bully any person

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

Case Summary - Haws & High Abbotside Parish Council and the Yorkshire Dales National Park Authority

Case no. SBE-07610-OGQEI
Member(s): Councillor John Blackie
Date received: 12 Sep 2009

Allegation:

Failed to declare appropriate interests in relation to a planning application.

Standards Board outcome:

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

Case Summary

The owner of a local business made a number of allegations regarding Councillor Blackie's conduct in relation to a planning application the businessman had lodged with the authority.

It was alleged that Councillor Blackie's circumstances were such that he was under an obligation to declare a personal and prejudicial interest in relation to the application and had failed to do so.

It was also alleged that Councillor Blackie had been rude during the course of a site visit and had, at a subsequent appeal hearing conducted by the Planning Inspectorate, opposed the application using non-approved authority policy documents.

Additionally, during the course of the investigation it came to the attention of the ethical standards officer that Councillor Blackie had also considered the application while acting as a member of the parish council. The scope of the investigation was, therefore, extended to cover these additional instances of Councillor Blackie allegedly failing to declare the appropriate interest.

At the conclusion of the investigation the ethical standards officer was satisfied that Councillor Blackie had not been rude during the course of the site visit. She was also satisfied that the documents produced by Councillor Blackie during the course of the Planning Inspectorate appeal hearing had been provided to him by the Authority and no restrictions had been placed on his use of this documentation.

In relation to the allegations that Councillor Blackie's circumstances were such that he was under an obligation to declare a personal and prejudicial interest in relation to the planning application, the ethical standards office did not find this to be the case.

Having carefully examined the nature and extent of Councillor Blackie various business interests the ethical standards officer was satisfied that he was not operating in direct competition to that contained within the planning application, as had been alleged. The ethical standards office was satisfied that there was little, if any, overlap between any of Councillor Blackie's business interests and those represented by the businessman. Given these facts, the ethical standards officer was satisfied that Councillor Blackie circumstances were not such that he was under an obligation to declare a personal interest on any of the various occasions he attended meeting where the planning application was considered. As such, it follows that the ethical standards officer was also satisfied that Councillor Blackie did not fail to declare a prejudicial interest.

Relevant paragraphs of the Code of Conduct

3(1), 6(a), 9 & 11