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## Case Summary - North Tyneside Metropolitan Borough Council

**Case no.** SBE-11030-DWORP  
**Member(s):** Councillor Muriel Green  
**Date received:** 13 Jul 2010  
**Date completed:** 01 Nov 2010

### Allegation:

Councillor Green used the services of a council officer improperly for political purposes, and by so doing brought the council into disrepute, contrary to paragraphs 6(b)(ii) and 5 of the Code of Conduct.

## Standards Board outcome:

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

## Case Summary

The complainant alleged that Councillor Green used the services of a council officer to produce leaflets in support of the Labour Party and other materials supporting the campaign to re-elect the elected mayor. These services included editing of the leaflets and other materials and arranging their printing and distribution.

It was evident to the ethical standards officer that Councillor Green had played no part in the production of the leaflets and other materials. The ethical standards officer found no evidence that Councillor Green had given instructions to the council officer in relation to the leaflets and other materials. She was therefore not responsible for any involvement the council officer may have had in the production of the leaflets and other materials.

The ethical standards officer concluded that Councillor Green did not fail to comply with any part of the Code of Conduct.

## Relevant paragraphs of the Code of Conduct

Paragraphs 6(b)(ii) and 5.

**09 November 2010**

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## Case Summary - North Tyneside Metropolitan Borough Council

**Case no.** SBE-11031-FBFB9  
**Member(s):** Councillor Eddie Darke  
**Date received:** 13 Jul 2010  
**Date completed:** 01 Nov 2010

### Allegation:

Councillor Darke used the services of a council officer improperly for political purposes, and by so doing brought the council into disrepute, contrary to paragraphs 6(b)(ii) and 5 of the Code of Conduct.

## Standards Board outcome:

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

## Case Summary

The complainant alleged that Councillor Darke used the services of a council officer to produce leaflets in support of the Labour Party and other materials supporting the campaign to re-elect the elected mayor. These services included editing of the leaflets and other materials and arranging their printing and distribution.

It was evident to the ethical standards officer that Councillor Darke had played no part in the production of the leaflets and other materials. Councillor Darke had allowed postcards to be returned to a freepost address. The ethical standards officer found no evidence that Councillor Darke had given instructions to the council officer in relation to the leaflets and other materials. He was therefore not responsible for any involvement the council officer may have had in the production of the leaflets and other materials.

The ethical standards officer concluded that Councillor Darke did not fail to comply with any part of the Code of Conduct.

## Relevant paragraphs of the Code of Conduct

Paragraphs 6(b)(ii) and 5.

09 November 2010

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## Case Summary - North Tyneside Council

<b>Case no.</b>	SBE04480
<b>Member(s):</b>	Councillor Glynis Barrie
<b>Date received:</b>	16 Feb 2009
<b>Date completed:</b>	22 Jun 2009

### Allegation:

The member brought their office or authority into disrepute.

### Standards Board outcome:

The ethical standards officer found that no further action was necessary.

## Case Summary

The complainants alleged that Councillor Glynis Barrie, a member of North Tyneside Council, invited a member of the public to a meeting on council premises when she knew that person had been barred from attending council meetings on the grounds of staff health and safety. The complainants alleged that Councillor Barrie exposed council staff to the risk of abuse, undermined the authority of officers responsible for protecting staff, and brought her office into disrepute.

Councillor Barrie is the convenor of an overview and scrutiny members' study group. The group wanted to interview a member of the public.

Councillor Barrie accepted that she asked that member of the public to attend a group meeting on council premises in November 2008. She also accepted that the council's monitoring officer had confirmed to her that this person had been banned from attending council meetings from 10 October 2008. Councillor Barrie also knew that council officers considered the member of the public posed a health and safety risk to staff. However, her study group had doubts about the legal effectiveness of the ban and were sceptical about whether a risk really existed.

As a compromise, Councillor Barrie attempted to find an alternative venue for the meeting. At short notice, the member of the public refused to attend unless the meeting was on council premises. Councillor Barrie stated that, under considerable competing pressure from officers, fellow members and the member of the public, she decided to go ahead and invite the member of the public onto council premises. She acknowledged in hindsight that she might have made the wrong decision, but stated that she did not intend to put staff at risk or undermine officers' authority.

The ethical standards officer concluded that Councillor Barrie was acting in her official capacity when she invited the member of the public on to council premises, in breach of the ban on his attendance at council meetings. The council had exercised its general power as an occupier to revoke his licence to enter council premises for meetings, and this power was exercised further to the council's duty to protect its staff from abuse or threats. Councillor Barrie knew why this ban was in place, and no steps had been taken to challenge it. After the meeting the member of the public wrote to the council claiming that Councillor Barrie's invitation had proved the ban worthless and that he intended to defy it again in future.

The ethical standards officer considered that councillors have a strong ethical requirement to uphold council decisions relating to significant employer responsibilities. The council has a duty to protect staff, and the decisions it takes to do so are part of its good reputation as an employer. Councillor Barrie's decision to invite the member of the public on to council premises in these circumstances would be viewed by an objective observer as undermining this reputation.

The ethical standards officer considered that Councillor Barrie's conduct would diminish public confidence in her ability to carry out her role as a councillor in supporting the council's employment responsibilities. Councillor Barrie's conduct had therefore brought her office into disrepute.

The ethical standards officer noted that there was no evidence that the member of the public had abused, threatened or harmed any member of staff when he attended the November 2008 meeting. The ethical standards officer took into account that Councillor Barrie was motivated by her desire to carry out the scrutiny work of the study group, which had been delayed. She had attempted to find a compromise, although she had been unable to do so, and had not been seeking a confrontation with officers. The ethical standards officer also noted that Councillor Barrie has been genuinely distressed by events, and has acknowledged that she may have made the wrong decision. Consequently the ethical standards officer concluded that Councillor Barrie failed to comply with the Code of Conduct, but that no further action is necessary.

## Relevant paragraphs of the Code of Conduct

The allegation in this case relates to paragraph 5 of the Code of Conduct.

Paragraph 5 states that members must not "bring their office or authority into disrepute".

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## Case Summary - Oldham Metropolitan Borough Council

<b>Case no.</b>	SBE-10841-98TWN SBE-10847-C9409 SBE-10845-T106K SBE-10844-T2QZ7 10834-6SZG6 10840-C00YS 10838-GQ72K 10837-TRDH1
<b>Member(s):</b>	Councillor Howard Sykes, Councillor Jackie Stanton, Councillor Mark Alcock, Councillor Roger Hindle, Councillor Mohammed Uddin, Councillor Lynne Thompson, Councillor Mohammed Masud
<b>Date received:</b>	15 Jun 2010
<b>Date completed:</b>	25 Oct 2010

### Allegation:

Misuse of position to secure an advantage for a planning applicant and bringing authority and the office of councillor into disrepute.



## Standards Board outcome:

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

## Case Summary

A planning application for a Mosque had been submitted to the Council in December 2009 and was due to be considered by its planning committee on 24 March 2010. However, the week before the meeting it was not on the published agenda because there were unfinished negotiations over a commuted sum to be paid by the applicant under section 106 of the Town and Country Planning Act. On the day of the meeting, Councillor Hindle, the Chair of the Planning Committee, accepted the application as an item of urgent business.

The two complainants alleged that the Chair accepted the item, and that the other members pressured him to do so, because it enabled Liberal Democrat election candidates to claim the credit in their election literature for the approval of the application. They alleged that these senior members, including the leader, deputy leader and other cabinet members, had misused their positions to secure an advantage for their local election and parliamentary candidates bringing the authority and their offices as councillors into disrepute.

Shortly after the publication of the agenda, Councillor Masud, in whose ward the application was based, had asked for it to be considered as a matter of urgent business. This request was declined. The ethical standards officer (ESO) found no evidence of improper pressure.

With the exception of Councillor Hindle, all the members attended a Liberal Democrat election rally on Sunday 21 March at which representatives of the Mosque raised concerns with members about the progress and viability of their application and made an increased offer of section 106 money. The ESO found no evidence that Councillors Masud, Thompson or Uddin did anything related to the Mosque application after attending the rally. He therefore dismissed the allegations against those three members quickly.

Following the rally Councillors Stanton and Alcock informed a senior officer of the Council that the Mosque had increased its section 106 offer. The ESO did not consider that conveying this information was an abuse of the members' position or inappropriate in any way.

On Monday 22 March, after the relevant officers had agreed the section 106 offer, Councillor Hindle added the application to that Wednesday's agenda as an urgent item. The ESO found no evidence that he had been pressured to make this decision. Officers subsequently questioned the reasons for his decision given the legal requirement for the chair to cite 'special circumstances' to justify taking business as urgent. There then followed an email exchange involving Councillors Sykes, Stanton and Hindle concerning the grounds for the chair's decision. Although the ESO expressed concerns about some of the email content, he did not consider that the emails amounted to bullying or an attempt to pressure Councillor Hindle into taking a particular course of action. It was clear from the evidence that Councillor Hindle had already made his decision.

On the day before the planning committee meeting, Councillor Hindle spoke to Councillor Alcock who explained that the Mosque feared that it would lose some of the funding promised for the development if consideration of the planning application was delayed. Councillor Hindle was advised by a legal officer of the Council that this was a valid ground for treating the application as urgent. The ESO concluded that Councillor Alcock and the other members had not breached the Code of Practice.

In the event the application, which came with an officer recommendation for approval, was approved by the planning committee with one abstention.

## Relevant paragraphs of the Code of Conduct

Paragraphs 5, 6(a)

26 October 2010

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