



North Tyneside Council

Standards Committee

Thursday, 1 December 2022

Wednesday, 7 December 2022 0.01 Chamber - Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY **commencing at 11.00 am.**

Agenda Item		Page
1.	<p>Apologies for Absence</p> <p>To receive apologies for absence.</p>	
2.	<p>Appointment of Substitute Members</p> <p>To be notified of the appointment of any Substitute Members.</p>	
3.	<p>Declarations of Interest and Dispensations</p> <p>You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest.</p> <p>You are also invited to disclose any dispensations in relation to any registerable and/or non-registerable interests that have been granted to you in respect of any matters appearing on the agenda.</p> <p>Please complete the Declarations of Interests card available at the meeting and return it to the Democratic Services Officer before leaving the meeting.</p>	
4.	<p>Exclusion Resolution</p> <p>This is to give further notice in accordance with paragraphs 5(4) and 5(5) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 of the intention to consider item 5 below in private.</p> <p>The Standards Committee is requested to consider passing the following resolution:</p> <p>Resolved that under Section 100A (4) of the Local Government Act</p>	

Members of the public are entitled to attend this meeting and receive information about it. North Tyneside Council wants to make it easier for you to get hold of the information you need. We are able to provide our documents in alternative formats including Braille, audiotape, large print and alternative languages.

Agenda Item		Page
	1972 (as amended) and having applied a public interest test as defined in Part 3 of Schedule 12A of the Act, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 and 5 of Part 1 of Schedule 12A to the Act.	
5.	Code of Conduct for Members' and Co-opted Members - complaint NT07.2021-22 To consider a report of the investigating officer's completed investigation into Complaint NT07.2021-22 in accordance with the Authority's Local Arrangements for dealing with Complaints made under the Code of Conduct for Members' and Co-opted Members.	
6.	Members Code of Conduct Introductory Report	5 - 6
7.	Appendix A - Hearing Procedure	7 - 14
8.	Appendix B - Pre-hearing Process Summary Pre-Hearing Process Summary, including Forms A to E – Subject Member's response to the evidence set out in the Investigation Report.	15 - 26
9.	Appendix C: Investigating Officer's Report (Amended Final Version)	27 - 46
10.	Information Report - Allegation of a Breach of the Members' code of conduct NT09.2021-22	47 - 50
11.	Appendix A - Final Standards Investigation Report	51 - 126
12.	Appendix B - Updated Report	127 - 162
13.	Appendix C - NT09.2021-22 - Advice Note - Application of Code	163 - 166

Circulation overleaf ...

Members of the Overview, Standards Committee

Councillor Frank Lott (Chair)
Councillor Lewis Bartoli
Councillor Debbie Cox
Councillor Janet Hunter
Councillor Willie Samuel

Councillor Tracy Hallway (Deputy Chair)
Councillor Brian Burdis
Councillor Eddie Darke
Councillor Wendy Lott

This page is intentionally left blank

North Tyneside Council Report to Standards Committee Date: 7 December 2022

ITEM 5

Title: Standards
Committee Hearing into
Allegation of Breach of
the Members' Code of
Conduct

Report Authors: Jackie Laughton (0191) 643
Assistant Chief Executive and Monitoring 5724
Officer

Wards affected: All

1.0 Purpose of Report

1.1 To present a report of the Investigating Officer in relation to an alleged breach of the Members' Code of Conduct in relation to Complaint NT07.2021-22.

2.0 Recommendation(s)

- (1) The Standards Committee is required to decide whether the Member, against whom the allegations have been made, has breached the Code of Conduct; and
- (2) If a breach is found, to determine what, if any, sanction should be imposed.

3.0 Information

- 3.1 The Standards Committee is required to consider the completed investigation report from the Investigating Officer in respect of the following complaint: NT07.2021-22.
- 3.2 In considering the Investigating Officer's report the Committee will be required to determine whether or not the Member has failed to follow the Council's adopted Members' Code of Conduct and, if so, what penalty should be applied, if any.
- 3.3 The Committee should act in an inquisitorial manner, rather than an adversarial manner, seeking the truth in relation to the conduct of the Member on the balance of the information available to it, and may commission further investigation or information if it needs to do so in order to come to a decision. The Committee's role is governed by the Authority's Local Arrangements for dealing with Complaints against Members.
- 3.4 Attached as Appendix A is the Procedure to be followed for the Hearing.
- 3.5 Attached as Appendix B is the Pre-Hearing Process Summary in relation to complaint NT07.2021-22.
- 3.6 Attached as Appendix C is the Investigating Officer's reports in relation to Complaint NT07.2021-22: This is a copy of the final Report V2 – amended in the light of changed circumstances (changes shown as tracked).

4.0 Appendices (if any)

Appendix A - Hearing Procedure
Appendix B - Pre-Hearing Process Summary
Appendix C - Investigating Officer's Report

5.0 Background Information

North Tyneside Council Constitution
North Tyneside Council Members' Code of Conduct

Procedure for Standards Hearings

1. Introduction

This Appendix details the procedure to be adopted for the hearing of complaints by the Standards Committee or Standards Sub-Committee ('the Standards Committee') of North Tyneside Council where an investigation has been completed.

The person(s) making the complaint will be referred to in this procedure as the Complainant and the person against whom the complaint is made will be referred to as the Member.

The Investigating Officer means the Monitoring Officer or other person appointed by the Monitoring Officer to conduct a local investigation in relation to a matter referred to the Monitoring Officer for local investigation.

References to Monitoring Officer include any other person appointed by the Monitoring Officer to carry out the functions of the Monitoring Officer.

The Chair of the Standards Committee's primary responsibility is to ensure that a hearing is conducted in a fair yet timely manner and to minimise delay in reaching a decision on a complaint. The Chair of the Standards Committee may decide that a hearing of a complaint will proceed in the absence of a relevant party where the Chair is of the view that it is proper to proceed and to prevent unreasonable delay.

The Complainant and the Member are recommended to read this procedure alongside the Guidance published by the Local Government Association "Guidance on Local Government Association Model Councillor Code of Conduct" <https://local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct> and the Association's Guidance "Guidance on Member Model Code of Conduct Complaints Handling" <https://www.local.gov.uk/publications/guidance-member-model-code-conduct-complaints-handling>

2. Legal Advice to the Standards Committee

Where the Monitoring Officer also takes the role of the Investigating Officer, he/she must arrange for a separate legal adviser for the Standards Committee in respect of the allegation.

3. Notifying the Member and Complainant

The Monitoring Officer shall send a copy of the Investigating Officer's final report to the Member, the Complainant and the Independent Persons.

The Monitoring Officer will ask for a written response from the Member within 14 days, stating whether or not s/he:

- disagrees with any of the findings of fact in the report, including the reasons for any disagreements;
- wants to be represented, at his/her own expense, at the hearing by a solicitor, barrister or any other person;
- wants to give evidence to the Standards Committee, either verbally or in writing;
- wants to call relevant witnesses to give evidence to the Standards Committee;
- wants any part of the hearing to be held in private;
- wants any part of the report or other relevant documents to be withheld from the public

See Forms A to E at Appendix 6.

The Monitoring Officer will also inform the Member that if, at the meeting of the Standards Committee, s/he seeks to dispute any matter contained in the report, without having previously notified his/her intention to do so, the Standards Committee may either adjourn the meeting to enable the Investigating Officer to provide a response, or refuse to allow the disputed matter to be raised.

The Monitoring Officer will also seek the views of the Independent Persons on the report and on any action the Independent Persons feel should be taken in respect of it.

Upon receipt of the responses, the Monitoring Officer will discuss the responses of with the Chair of the Standards Committee and will complete the Pre-hearing Process Summary at Appendix 7.

The Member and the Investigating Officer are entitled to request that any witnesses they want should be called. However, the Chair of the Standards Committee, following advice from the legal adviser, may limit the number of witnesses, if he/she believes the number requested is unreasonable or that some witnesses will simply be repeating the evidence of earlier witnesses, or else will not provide evidence that will assist the Committee to reach its decision.

Nothing in this procedure shall limit the Chair of the Standards Committee from requesting the attendance of any additional witnesses whose evidence he/she considers would assist the Standards Committee to reach its decision.

The Chair of the Standards Committee, in consultation with the legal adviser will then:

- confirm a date, time and place for the hearing, which must be within three months from the date that the report was completed;
- confirm the main facts of the case that are agreed;
- confirm the main facts that are not agreed;
- confirm which witnesses will give evidence;
- outline the proposed procedure for the hearing, specifying which parts, if any, will be considered in private; and
- request the Monitoring Officer to provide this information, with the Agenda, to everyone in the hearing at least two weeks before the proposed date of the hearing.

4. The Standards Committee

The Standards Committee shall decide on the balance of probability, whether the grounds of the complaint are upheld. It shall do so by considering the report and, where appropriate, written or oral representations made by the Member, and any additional relevant information from the Investigating Officer or witnesses.

Each Standards Committee member shall have one vote, and all matters/issues shall be decided by a simple majority of votes cast. If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There is no restriction on how the Chair chooses to exercise a casting vote.

The meeting of the Standards Committee will be open to the public and press unless confidential information or exempt information under Schedule 12A of the Local Government Act 1972 is likely to be disclosed.

5. Procedure at the Hearing

The initial order of business at the meeting shall be as follows:

- declarations of interest;
- consideration as to whether to adjourn or to proceed in the absence of the Member, if the Member is not present;
- introductions;
- any representation from the Investigating Officer and/or the Member as to reasons why the Standards Committee should exclude the press and public and determination as to whether to exclude the press and public. Where the Standards Committee decides that it will not exclude press and public, the

Monitoring Officer shall at this point provide copies of the agenda and reports to any members of the press and public who are present.

The purpose of the hearing is to test the robustness of the report, by examining the reasoning contained within the report and the quality of the evidence relied upon. This calls for an inquisitorial approach by the Standards Committee based on seeking information in order to identify potential flaws in the report and to clarify issues. The Standards Committee will control the procedure and evidence presented at the hearing, including the questioning of witnesses.

The Standards Committee may at any time seek legal advice from its legal adviser. Such advice will on all occasions be given in the presence of the Investigating Officer and the Member.

The procedure at the hearing will be as follows, subject to the Chair of the Committee being able to make changes as he or she thinks fit in order to ensure a fair and efficient meeting.

Examination of report and written representations

The Panel will consider the report together with any written response from the Member to the report. The Committee may require the Investigating Officer to answer questions put to him/her by members regarding the contents of the report.

The Committee must also take account of the views expressed by the Independent Persons in their response to the Monitoring Officer.

Oral evidence

If there is any disagreement as to the facts of the case, the Investigating Officer will be invited to make any necessary representations to support the relevant findings of fact in the report, calling supporting witnesses as agreed by the Chair.

Questions may be asked by the Committee at any point. The Member will not be permitted to directly question the Investigating Officer or the witnesses he/she calls.

If the Member wishes to challenge any oral evidence being presented, then these questions shall be directed through the Chair.

The Member will then be invited to make any necessary representations to support their version of the facts, calling supporting witnesses as agreed by the Chair.

Questions may be asked by the Committee/Sub-Committee at any point. The Investigating Officer will not be permitted to directly question the Member or the witnesses he/she calls. If they wish to challenge any oral evidence being presented, then these questions must be directed through the Chair.

Where the Member seeks to dispute any matter in the report which he/she had not given notice of intention to dispute in his/her written statement in response, the

Investigating Officer shall draw this to the attention of the Standards Committee/Sub-Committee. The Standards Committee may then decide:

- not to admit such dispute but to proceed to a decision;
- to admit the dispute, but to invite the Investigating Officer to respond
- to adjourn the meeting to enable the Investigating Officer to investigate and report on the dispute

Where appropriate the Investigating Officer will make representations on behalf of the Complainant to the Standards Committee/Sub-Committee.

The Standards Committee/Sub-Committee may adjourn the hearing to require the Monitoring Officer to seek further information or undertake further investigation on any point specified by the Committee/Sub-Committee.

Decision by the Standards Committee

The Standards Committee will consider in private session which of the following findings to adopt:

- that there is no evidence of any failure to comply with the Code of Conduct;
- that the Member has failed to comply with the Code of Conduct, but that no action needs to be taken;
- that the Member has failed to comply with the Code of Conduct and that a sanction should be imposed.

The available sanctions are: -

- (i) Issue a formal censure;
- (ii) Report its findings in respect of the subject member's conduct to full Council
- (iii) Recommend to the subject member's group leader (or in the case of un-grouped members, recommend to full Council) that they be removed from any or all Committees or Sub-Committees of the Authority;
- (iv) Recommend to the Elected Mayor that the subject member be removed from positions of responsibility for a specified period;
- (v) Instruct the Monitoring Officer to arrange training for the subject member;
- (vi) Recommend to full Council that the subject member be removed from all outside appointments to which they have been appointed or nominated by the Authority;
- (vii) Recommend to the Mayor that the subject member be removed from all outside appointments to which they have been appointed by the Mayor;
- (viii) Recommend to full Council that it withdraws facilities provided to the subject member by the Authority for a specified period, such as a computer, website and/or email and internet access;
- (ix) Recommend to full Council that it excludes the subject member from the Authority's offices or other premises for a specified period, with the exception of meeting rooms as necessary for attending full Council, a

- Committee or Sub-Committee meeting and/or restricts contact with officers to named officers only;
- (x) If relevant recommend to the secretary or appropriate official of a political group that the member be removed as group leader or other position of responsibility.

In deciding what sanction (if any) to take, the Standards Committee/Sub-Committee will consider all relevant circumstances including any views expressed by the Independent Persons.

The Standards Committee/Sub-Committee will then resume the public session and the Chair will announce the decision and the reasons for that decision.

If the matter is a complicated one, where the complaint has a number of aspects, the Standards Committee/Sub-Committee can decide to consider the evidence and reach a finding on each aspect separately.

The Standards Committee/Sub-Committee will then consider in open session whether there are any recommendations which it wishes to make arising from consideration of the allegation.

Notice of findings

The Monitoring Officer will make a short written decision available on the day of the hearing and a full written decision in draft will be prepared as soon as possible.

Within two weeks of the end of the hearing, the Monitoring Officer will circulate a full written decision, to the Member and the Complainant.

At the same time the Monitoring Officer shall arrange for a summary of the findings to be published as may be directed by the Standards Committee/Sub-Committee.

Where the Standards Committee/Sub-Committee determines that there has not been a breach of the Code of Conduct, the notice shall:

- state that the Standards Committee/Sub-Committee found that the Member had not failed to comply with the Code of Conduct and shall give its reasons for reaching that finding; and not be published if the Member so requests;

Where the Standards Committee/Sub-Committee determines that there has been a failure to comply with the Code of Conduct, but no action is required, the notice shall:

- state that the Standards Committee found that the Member had failed to comply with the Code of Conduct but that no action needs to be taken in respect of that failure specify the details of the failure; and give reasons for the decision reached;

Where the Standards Committee/Sub-Committee determines that there has been a failure to comply with the Code of Conduct and that a sanction should be imposed, the notice shall:

- state that the Standards Committee/Sub-Committee found that the Member had failed to comply with the Code of Conduct;
- specify the details of the failure;
- give reasons for the decision reached; and
- specify the sanction imposed

Copies of the agenda, reports and minutes of a hearing, as well as any background papers, apart from sections of documents relating to parts of the hearing that were held in private, will be available for public inspection for six years after the hearing.

Confidentiality and disclosure of information

Where the Chair of the Standards Committee/Sub-Committee considers that the report and/or any of the written statements in response are likely to disclose any exempt information and in consequence that it is likely that the Standards Committee/Sub-Committee will, during consideration of these matters, not be open to the public, he/she shall instruct the legal adviser to not provide copies of these papers to the press or public or permit their inspection by the press or public in advance of the meeting.

The Hearing will be held in public except for those parts of its proceedings which involve exempt information and during the deliberations of the Standards Committee/Sub-Committee.

This page is intentionally left blank

NORTH TYNESIDE COUNCIL STANDARDS SUB-COMMITTEE

PRE-HEARING PROCESS SUMMARY

Member subject of allegation:	Councillor Liam Bones
Complainant(s):	Councillor Matt Wilson
Case Reference Numbers:	NT07.2021-22
Chair for meeting:	Councillor F Lott
Independent Persons:	Mrs S Gardner and Dr S Green
Monitoring Officer Representative:	Ms J Laughton/Mr J Barton
Investigating Officer:	Mr Mark Robinson, Associate Barrister and Mr David Kitson, Partner of Bevan Brittan Solicitors LLP
Democratic Services Officer:	Mrs J Holmes
Time, Date and Place of Hearing:	
Time, Date and Place of Pre-Hearing Process Summary Meeting:	3.00 pm, Wednesday, 11 May 2022, Quadrant East, the Silverlink North, Cobalt Business Park

Summary of allegation:

The complainant, Councillor M Wilson, alleges that:

On 15 June 2021 Councillor Liam Bones:

- a. Published a "manipulated story" on Councillor Bones' campaigning website, 'North Shields Life' that wilfully called into question the judgment and political neutrality of Mr Bryn Roberts, the Authority's Monitoring Officer and Head of Law and Governance at that time;
- b. In publishing the article damaged the professional reputation of Mr Roberts and that the online articles flowing from the publication of the article "trash" the reputation of Mr Roberts;
- c. Was associated with leaks to the press that resulted in articles appearing in the websites of the Daily Mail, the Daily Express and others

Relevant Paragraph(s) of the Code of Conduct

The relevant paragraphs of the Code are:

Part 1 – General Conduct

Paragraph 1: You must treat others with respect, including Authority officers and other elected members.

Paragraph 4: You must not conduct yourself in a manner which could reasonably be regarded as bringing the Authority, or your office as a member of the Authority into disrepute.

Findings of fact in the Investigating Officer's report that are disagreed

Councillor Bones has indicated that he does not agree with the findings of fact in relation to the allegation that he failed to treat the Monitoring Officer with respect.

Councillor Bones states that the 'North Shields Life' website is operated by a number of people and this it is not "his" website and any reference to "his website" in the Investigating officer's Report is inaccurate.

Councillor Bones also stated in his response to the draft Investigator's Report, that he did not agree that the re-publication of the article has undermined the member - officer relationship, or that the re-publication was disrespectful to the officer in question. However, if that is the view of the officer, Councillor Bones said that he would be happy to offer an apology.

- has supplied:
 - o Form C – Representations to be taken into account if a Member is found to have failed to follow the Council's Code of Conduct
 - o Form D – Arrangements for the Standards Committee Hearing

The findings of fact are contained within the section of the investigator's report in Section 7 '**OFFICIAL CAPACITY**' AND Section 8 '**FINDINGS**' and appear to be as follows:

Application of the Code

Although Councillor Bones' intentions were political when deciding to re-publish the article referred to above on the 'North Shields Life' website, because the article concerned a senior Council Officer and therefore related to the operation of the Council, the Investigating Officer considered that Councillor Bones was acting in his capacity as an elected Member of the Council and that the Code of Conduct therefore applied (para 7.8).

Treating Others with Respect

- It is not disputed that on 3 June 2021, the former Monitoring Officer (MO) sent a message via WhatsApp to the Leader of the Conservative Group, asking him to remove items that were on display in the Conservative Group Room, which included Union Flag bunting and pictures of two previous Conservative Prime Ministers, Winston Churchill and Margaret Thatcher. The former MO was of the view that this

'risked being an overtly political matter in an apolitical venue' and said that in making the request, and that he was trying to do his job and maintain political neutrality (para 8.6).

- The message received by the Group Leader was shared with the Conservative Group by the Leader. Photographs appearing in the media of the flag bunting were taken by the Group Leader and Councillor Bones (para 8.8).
- The report states that neither the Group Leader or Councillor Bones accepted responsibility for the story being leaked to the media in the first instance which first appeared on the Guido Fawkes website on or about 14 June 2021 (para 8.9).
- The reports states that in publishing the story on the 'North Shields Life' website represented a failure by Councillor Bones to ensure mutual respect and courtesy for Members and officers as required by paragraph 3.1 of the Protocol on Member/Officer Relations (the Protocol). In re-publishing the article the report states that Councillor Bones failed to engender a good reputation for the Authority by failing to promote a positive relationship between members and officers (para 4.1(b)of the Protocol) and further, failed to avoid personal criticism of other members and officers (paragraph 4.1(d) of the Protocol) (para 8.14).
- The report indicates that the re-publication of the story on the 'North Shields Life' website was significant, because doing so was tantamount to a criticism of the former MO from inside the Authority which gave the article a different complexion (para 8.16).
- It is said in the report that in re-publishing the story Councillor Bones failed to treat the former MO with respect and that a reasonable degree of foresight might have led Councillor Bones to anticipate the sort of negative comments that the Monitoring Officer may have faced as a result of him publishing the story on the 'North Shields Life' website (para 8.17).
- Any concerns that Councillor Bones had with regard to the former MO's actions and any suggestion of him not acting in a politically neutral fashion should have been reported to the Assistant Chief Executive or Chief Executive in accordance with paragraph 7.6 of the Protocol (para 8.17).
- The reputational damage to a Monitoring Officer when an accusation is made of them acting in a non-politically neutral fashion is a serious and potentially damaging accusation given their particular position within the Authority (para 8.40).

Matters taken into account by the Investigating Officer:

- Councillor Bones was familiar with the Code of Conduct, had attended training and was conversant with the Code of Conduct and the Nolan Principals.
- Interview with Councillor Bones on 2 November 2021 – he like the Group Leader would praise the Monitoring Officer but that on this occasion the Monitoring Officer had got things wrong.
- Councillor Bones thought that the actions of the Group, including the leaflet drop referencing the removal of the Union flag had legitimately brought the matter to the attention of the public.

Attendance at the hearing (including representatives)

Councillor Bones will be present at the hearing. No representative has been appointed.

Mr David Kitson, Co-Investigating Officer, will be present at the hearing in order to present her report.

Witnesses Attending

Councillor Bones has requested the attendance of witnesses:

No witnesses requested

The Investigating Officer has requested the attendance of the following witness:

No witnesses requested.

Hearing Procedure:

The full procedure for the Hearing as agreed by the Chair is attached.

In summary, the Hearing will progress through the following stages and will include the consideration of any comments made by the Authority's appointed Independent Persons, as appropriate: -

- 1.) Introductions and preliminary procedural issues including consideration of any requests for the hearing to be held in full or in part in private.
- 2.) Pre-Hearing Process Summary.
- 3.) Presentation of Investigating Officers Report including witnesses.
- 4.) The Members response including witnesses.
- 5.) Withdrawal of Committee to determine Findings of Fact, whether a breach has occurred and any sanction to be imposed.

Date Pre-Hearing Process Summary Completed:

Signed _____

Councillor Frank Lott
Chair of the Standards Committee

FORM C



North Tyneside Council

Representations to be taken into account if a Member is found to have failed to follow the Council's Code of Conduct

Please set out below, using the numbered paragraphs, any factors that the Standards Committee should take into account if it finds that a Member has failed to follow the Council's Code of Conduct. Please note that no such finding has yet been made.

Paragraph number	Factors for the Standards Committee to take into account when deciding whether to sanction any censure, restriction of resources or allowances, suspension or partial suspension
9.6.1	Mr Roberts has left the position of MO, therefore this recommendation seems to be out of date.
10.2	Had an apology or informal resolution been requested at the beginning of this process it would have been given and saved a lot of time and taxpayer money.

Please attach separate sheets if necessary

Name Cllr Liam Bones

Signature _____

Date 23/3/22

This page is intentionally left blank



North Tyneside Council

FORM D

Arrangements for the Standards Committee Hearing

Please tick the relevant boxes.

<p>1 Are you planning to attend the Standards Committee hearing on the proposed date in the accompanying letter?</p> <p>If, 'No', please explain why.</p>	<p><input checked="" type="checkbox"/> YES</p> <p><input type="checkbox"/> NO</p>	<p>Reason:</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<p>2 Are you going to present your own case?</p>	<p><input checked="" type="checkbox"/> YES</p> <p><input type="checkbox"/> NO</p>	

<p>3. 3 If you are not presenting 4. your own case, will a 5. representative present it for you?</p> <p>If 'Yes', please state the name of your representative.</p>	<p>YES</p> <p>NO</p>	<p>Name:</p> <hr/> <hr/> <hr/> <hr/> <hr/>
<p>4 Is your representative a practising solicitor or barrister?</p> <p>If 'Yes', please give their legal qualifications. Then go to Question 6. If 'No', please go to Question 5.</p>	<p>YES</p> <p>NO</p>	<p>Qualifications:</p> <hr/> <hr/> <hr/> <hr/> <hr/>

<p>5 Does your representative have any connection with the case?</p> <p>If 'Yes' please give details.</p>	<p>YES</p> <p>NO</p>	<p>Details:</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<p>6 Are you going to call any witnesses?</p> <p>If 'Yes' please give details on Form E attached.</p>	<p>YES</p> <p><u>NO</u></p>	
<p>7 7 Do you, your representative or your witnesses have any access difficulties (for example, is wheelchair access needed)?</p> <p>If 'Yes', please give details.</p>	<p>YES</p> <p><u>NO</u></p>	<p>Details:</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>

<p>8 Do you, your representative or witnesses have any special needs (for example, is an interpreter needed)?</p> <p>If 'Yes', please give details.</p>	<p>YES</p> <p><u>NO</u></p>	<p>Details:</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<p>9 Do you want any part of the hearing to be held in private?</p> <p>If 'Yes', please give reasons.</p>	<p>YES</p> <p><u>NO</u></p>	<p>Reasons:</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<p>10 Do you want any part of the relevant documents to be withheld from public inspection?</p> <p>If 'Yes', please give reasons.</p>	<p>YES</p> <p><u>NO</u></p>	<p>Reasons:</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>

Name Cllr Liam Bones

Signature _____

Date 23/3/22

This page is intentionally left blank



North Tyneside Metropolitan Borough Council
Standards Investigation Report
Councillor Liam Bones
February 2022
UPDATED September 2022



1 EXECUTIVE SUMMARY

- 1.1 On 18 June 2021 a complaint was received from Councillor Matt Wilson (“the Complainant”) alleging that Councillor Liam Bones (“the Councillor”) had breached the Council’s Code of Conduct (“the Code”). The Complainant is an elected member of the North Tyneside Metropolitan Borough Council (“the Council”) representing the Preston ward.
- 1.2 The Complainant alleged that the Councillor had published what the Complainant described as a manipulated story on the Councillor’s campaigning website that wilfully called into question the judgment and political neutrality of the Council’s Monitoring Officer (“the MO”), who is also the Head of Law and Governance at the Council. The Complainant further alleged that in so doing, the Councillor had caused what the Complainant described as ‘enormous damage’ to the MO professionally, referencing that online searches of the MO’s name lead to articles that ‘trash’ his reputation. The Complainant also references in the Complaint, the use of paid for advertising by the Subject Member on social media in order to promote the story online.
- 1.3 The story referred to relates to a request made by the MO to the Leader of the Conservative Group on the Council to remove Union Flag bunting, together with pictures of former Prime Ministers Winston Churchill and Margaret Thatcher, from the Conservative Group Room in the Council offices.
- 1.4 Members must act and be seen to be acting in accordance with the high standards required of those in public office. A judgment as to whether an elected member has breached the Code must be made on the balance of probabilities.
- 1.5 The Complainant and the Councillor have both been interviewed and both have agreed notes of the conversations held with the Investigator. The MO has also been interviewed and has agreed a note of the conversation held with the Investigator.
- 1.6 Having carefully considered the issues, the available documentation, other relevant documents, relevant policies and the information gathered by way of interviews, we conclude that the Councillor was acting in his capacity as a Member of the Council when publishing the story on his campaigning website ‘North Shields Life_’ (“NSL”).
- 1.7 The Complainant does not set out which parts of the Code are alleged to have been breached by the Councillor. We consider that the parts of the Code that are relevant to this Investigation are Paragraphs 1 and 4 of Part 1 - General Conduct. We are not of the view that any other parts of the Code are relevant to this Investigation.

Part 1 Paragraph 1 of the Code - Treating others with Respect - Breach

- 1.8 For ease of reference Part 1 Paragraph 1 of the Code states as follows:

‘Part 1 - General Conduct

- 1. You must treat others with respect, including Authority Officers and other elected members.*

- 1.9 The Complainant states in his Complaint that the Councillor published a story on his campaigning website that ‘*wilfully calls into question the political neutrality of senior council official Bryn Roberts*’. The Complainant goes on to say that searching the name ‘Bryn Roberts North Tyneside’ now leads to online articles that trash his reputation.
- 1.10 The Councillor accepted that he had posted the story in question on his campaigning website NSL on 15 June 2021 and that the story was similar to that which had appeared in the Daily Mail on 14 June. The Councillor stated that in his view national media are much better placed to ensure that content is compliant with all legislation and regulations than he is, therefore it was safest to use the articles exactly as they appear elsewhere. On inspection, the article that appeared on the NSL website is virtually a carbon copy of the story that appeared in the Daily Mail.



- 1.11 According to the Guidance on the Local Government Association Model Code of Conduct, respect encompasses engaging in robust debate and an expectation that Members will express, challenge, criticise and disagree with views, ideas, opinions and policies. Examples of disrespectful behaviour include occasions when unreasonable or demeaning behaviour is directed by one person against another.
- 1.12 The Council's Protocol on Member/Officer Relations, ("the Protocol"), appears on page 244 of the Constitution and is referenced at Part 4 of the Introduction to the Code of Conduct on page 200, where it states:

~~4.~~ 4. *Supporting Protocols and Procedures*

The following documents should be read in conjunction with the Members' Code of Conduct.

• Protocol on Member/Officer relations which sets out the respective roles of Members and Officers and how they should expect to be treated by each other.

- 1.13 For ease of reference, the Protocol sets out the following:

3. Respect and Courtesy

3.1 An essential ingredient to the Authority's business being conducted effectively is ensuring mutual respect, trust, courtesy and even-handedness in all meetings and contacts between Officers and Members. This plays a very important part in the Authority's reputation and how it is seen by the public.

4. The Authority's Reputation

4.1 Members and Officers both have an important role in engendering a good reputation for the Authority. In particular they should:

~~a)~~ a) *protect and promote the legitimacy of democratic local government;*

~~b)~~ b) *promote a positive relationship between Members and Officers and be careful not to undermine it;*

~~c)~~ c) *avoid criticism of the Authority when formally representing it; and*

~~d)~~ d) *avoid personal criticism of other Members and Officers.*

~~7.~~ 7. *If Members have any concerns that an Officer is not acting in a politically neutral manner, they should refer their concerns to the relevant Head of Service or Chief Executive, or in the case of the Chief Executive the Elected Mayor (see section 14 'Interpretation, complaints and allegations of breaches' below). Allegations that an Officer has not acted in a politically neutral way are serious and could be damaging to his/her reputation.*

- 1.14 The Councillor accepts that he republished the story on the NSL website. We find that, although the Councillor was not the first to publish the story, the republication of it does, on balance, demonstrate a failure to treat the MO with respect. In so doing, the Councillor actively pushed the article in the local media and this action by the Councillor is, in our view, likely to undermine the relationship of mutual trust, respect and courtesy between elected Members and Officers, as set out in paragraph 3.1 of the Protocol.
- 1.15 Further, we are of the view that the republication was likely to have given further oxygen to the story locally, as well as providing a new complexion to it, since this was the first time that a Member had published the article, criticising the MO from inside the Authority. We find that to have been significant.



- 1.16 With reference to paragraph 4.1 of the Protocol, we find that in republishing the article, the Councillor failed to promote a positive relationship between Members and Officers and was, in fact, likely to undermine it, whilst also representing a failure to avoid personal criticism of other Members and Officers. We find that this failure to avoid personal criticism of the MO and associated undermining of the relationship of mutual trust and respect represented a failure to treat the MO with respect.
- 1.17 The Councillor denies having sent the story to the Guido Fawkes website and there is no evidence available to determine who did so in the first instance.
- 1.18 The Councillor has also failed to take heed of paragraph 7.6 of the Protocol, which not only required the Councillor to refer any concerns around political neutrality to the Chief Executive, but also references the seriousness and potential damage that such an accusation can cause to any Officer. We find that the reputational damage to an MO when such an accusation is made against them is made more so, given their particular position within the Authority.
- 1.19 Taking the above into consideration, we find that, on the balance of probabilities, the Councillor did breach Part 1 Paragraph 1 of the Code.

Part 1 Paragraph 4 of the Code - Bringing Office or the Authority into Disrepute - **No Breach**

- 1.20 For ease of reference Part 1 paragraph 4 of the Code states as follows:

'Part 1 - General Conduct

4. *You must not conduct yourself in a manner which could reasonably be regarded as bringing the Authority, or your office as a member of the Authority, into disrepute.*

- 1.21 The commentary in relation to bringing your office or the Authority into disrepute contained in the Guidance on the Local Government Association Model Code of Conduct is set out later in this report.
- 1.22 The Councillor made clear in his interview that he did not agree with the stance taken by the MO in requiring the removal of items from the Conservative Group room and he was of the view that Council Officers were not beyond scrutiny. The Councillor added that by publishing the story on the NSL website, he was inviting debate around a subject that he believed the public should be made aware of.
- 1.23 That said, there are other procedures that the Councillor could and perhaps should have followed under the Protocol if he was unhappy with the Monitoring Officer's position, which states at paragraph 7.6:

'If Members have any concerns that an Officer is not acting in a politically neutral manner, they should refer their concerns to the relevant Head of Service or Chief Executive'.

- 1.24 We find that this would have been more appropriate than the re-publication of the article on NSL. However, the Councillor did not do so and instead opened the matter to the internet, which would, in our view, clearly lead to criticism of the MO.

- 1.25 Irrespective of the Councillor's motivation for the publication of the story on the NSL website, the Local Government Model Code of Conduct states the following in relation to disrepute:

'As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other Councillors and/or your local Authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.



You are able to hold the local authority and fellow Councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the Council, whilst continuing to adhere to other aspects of this Code of Conduct’.

- 1.26 In these circumstances, notwithstanding the fact that there were more appropriate means by which the Councillor could have expressed his concerns around the MO’s decision, we do not find the behaviour of the Councillor to be dishonest or deceitful to such a degree that would represent a breach of the Code. Whilst we are of the view that there was a clear political motivation behind the publication of the story on NSL by the Councillor, that does not, in and of itself, bring the Council into disrepute.
- 1.27 Whether and/or the extent to which the Councillor continued to adhere to other aspects of the Code of Conduct is addressed above, in these circumstances ‘treating others with respect’.
- 1.28 On the basis of what is set out above, on the balance of probability, the Councillor did not breach Part 1 Paragraph 4 of the Code.

2 MEMBER DETAILS

- 2.1 Councillor Liam Bones (“the Councillor”) was first elected to the Council on 6 May 2021. The Councillor is a Conservative Member representing the Preston ward.
- 2.2 ~~The~~At the time of the investigation the Councillor currently ~~holds~~held the following committee appointments:
- 2.2.1 Culture and Leisure Sub-Committee
- 2.2.2 Economic Prosperity Sub-Committee

3 THE COMPLAINT

- 3.1 On 18 June 2021, a Complaint was received by the Monitoring Officer at the Council from the Complainant, alleging that the Councillor had breached the Council’s Code of Conduct for Members (“the Code”). A copy of the Complaint is attached to this report as ~~Schedule 1~~Schedule 1.
- 3.2 The Complaint can be summarised as follows:
- 3.2.1 The Complainant submitted a Complaint stating that the Councillor had published what the Complainant described as a manipulated story on the Councillor’s campaigning website that wilfully called into question the judgment and political neutrality of the MO, who is also the Head of Law and Governance at the Council.
- 3.2.2 The Complainant further alleged that in so doing, the Councillor had caused what the Complainant described as ‘enormous damage’ to the MO professionally, referencing that online searches of the MO’s name lead to articles that ‘trash’ his reputation. The Complainant also references in the Complaint, the use of paid for advertising by the Subject Member on social media in order to promote the story online.
- 3.3 In terms of the outcome of the Complaint, the Complainant, (to whom it has been explained by the Investigator that the sanctions available to the Council upon a finding of breach are likely to be limited), stated that he hopes that whatever the outcome he hopes that the process sends a message to the Councillor that he must abide by high standards of conduct as a Councillor.

4 RELEVANT PARTS OF THE CODE OF CONDUCT

- 4.1 The Council’s Code is attached to this report at ~~Schedule 2~~Schedule 2.



- 4.2 The Complainant did not set out in the Complaint the parts of the Code that he believed were relevant or that had potentially been breached by the Councillor. We consider that the parts of the Code that are relevant to this investigation are as follows:

Part 1 - General Conduct

1. *You must treat others with respect, including Authority officers and other elected Members.*
4. *You must conduct yourself in a manner which could reasonably be regarded as bringing the Authority, or your office as a Member of the Authority into disrepute.*

- 4.3 There has, until very recently, been a lack of general guidance (or much case law) on the operation of Members' Codes of Conduct under the Localism Act 2011, which is predominantly because there is no longer a statutorily prescribed version adopted by all local authorities. Instead, there is a requirement to adopt a Code, the content of which is at the discretion of the local authority. Naturally, this has produced a variety of Codes ranging from those which set out basic principles, to those which are very detailed and specific about the behaviour expected of Members.

- 4.4 Some guidance appears in the 2020 Local Government Association Model Councillor Code of Conduct, which can be found here:

~~<https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020>~~

<https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020>

- 4.5 Further useful guidance appears in the July 2021 Guidance on Local Government Association Model Councillor Code of Conduct, ("the guidance"), which can be found here:

~~<https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct>~~

<https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct>

- 4.6 In relation to treating others with respect, the Model Code of Conduct States on page 4:

'Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's Councillor-officer protocol'.

- 4.7 The Guidance states the following in relation to respect:

'You will engage in robust debate at times and are expected to express, challenge, criticise and disagree with views, ideas, opinions, and policies. Doing these things in a respectful way will help you to build and maintain healthy working relationships with fellow councillors, officers, and members of



the public, it encourages others to treat you with respect and helps to avoid conflict and stress. Respectful and healthy working relationships and a culture of mutual respect can encourage positive debate and meaningful communication which in turn can increase the exchange of ideas, understanding and knowledge.

Examples of ways in which you can show respect are by being polite and courteous, listening and paying attention to others, having consideration for other people's feelings, following protocols and rules, showing appreciation and thanks and being kind. In a local government context this can mean using appropriate language in meetings and written communications, allowing others time to speak without interruption during debates, focusing any criticism or challenge on ideas and policies rather than personalities or personal attributes and recognising the contribution of others to projects.

Disrespectful behaviour

Failure to treat others with respect will occur when unreasonable or demeaning behaviour is directed by one person against or about another. The circumstances in which the behaviour occurs are relevant in assessing whether the behaviour is disrespectful. The circumstances include the place where the behaviour occurs, who observes the behaviour, the character and relationship of the people involved and the behaviour of anyone who prompts the alleged disrespect.

Disrespectful behaviour can take many different forms ranging from overt acts of abuse and disruptive or bad behaviour to insidious actions such as bullying and the demeaning treatment of others. It is subjective and difficult to define. However, it is important to remember that any behaviour that a reasonable person would think would influence the willingness of fellow councillors, officers or members of the public to speak up or interact with you because they expect the encounter will be unpleasant or highly uncomfortable fits the definition of disrespectful behaviour.

Examples of disrespect in a local government context might include rude or angry outbursts in meetings, use of inappropriate language in meetings or written communications such as swearing, ignoring someone who is attempting to contribute to a discussion, attempts to shame or humiliate others in public, nit-picking and fault-finding, the use of inappropriate sarcasm in communications and the sharing of malicious gossip or rumours'.

4.8 In relation to bringing your office or the Authority into disrepute, the Model Code states:

'As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct'.

4.9 The Guidance in respect of bringing your office or the Authority into disrepute states:

'As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. Article 10 of the European Convention on Human Rights protects your right to freedom of expression, and political speech as a councillor is given enhanced protection but this right is not unrestricted. You should be aware that your actions might have an adverse impact on your role, other councillors and/or your local authority and may lower the public's confidence in your ability to discharge your functions as a councillor or your local authority's ability to discharge its functions.



*In general terms, disrepute can be defined as a lack of good reputation or respectability. In the context of the Code of Conduct, a Councillor's behaviour in office will bring their **role** into disrepute if the conduct could reasonably be regarded as either:*

- *reducing the public's confidence in them being able to fulfil their role; or*
- *adversely affecting the reputation of your authority's councillors, in being able to fulfil their role.*

*Conduct by a councillor which could reasonably be regarded as reducing public confidence in their local authority being able to fulfil its functions and duties will bring **the authority** into disrepute.*

For example, circulating highly inappropriate, vexatious or malicious e-mails to constituents, making demonstrably dishonest posts about your authority on social media or using abusive and threatening behaviour might well bring the role of councillor into disrepute. Making grossly unfair or patently untrue or unreasonable criticism of your authority in a public arena might well be regarded as bringing your local authority into disrepute'.

5 PROCESS OF INVESTIGATION AND EVIDENCE GATHERED

- 5.1 Following receipt of the Complaint and in accordance with the Council's 'Arrangements for Dealing with Allegations of Breaches of the Code of Conduct for Members and Co-opted Members', ("the Arrangements"), which are annexed to this report at ~~Schedule 3~~[Schedule 3](#), the MO departed from the usual determination process, as the Complaint related to action involving the MO. A panel of the Standards sub-Committee was convened and met with the Independent Person to consider the Complaint and determined that it should be referred for investigation.
- 5.2 A Senior Lawyer at the Council, (who has administered the Complaint on behalf of the Monitoring Officer), appointed Mark Robinson, Associate Barrister at Bevan Brittan LLP, to investigate the Complaint.
- 5.3 Enquiries were made by the Investigator to speak with the Complainant, the MO and the Councillor and meetings took place separately with them. Notes of the interviews are attached to this report as indicated:
- 5.3.1 The Complainant - ~~Schedule 4~~[Schedule 4](#)
- 5.3.2 The Monitoring Officer - ~~Schedule 5~~[Schedule 5](#)
- 5.3.3 The Councillor - ~~Schedule 6~~[Schedule 6](#)
- 5.4 The notes of interview are not verbatim records and are not intended to capture everything that was discussed. They are intended to be notes capturing the key points raised. All three people interviewed have confirmed that they are happy with the content of their respective interview notes.

6 RELEVANT EVIDENCE

- 6.1 In order to determine whether the Councillor has breached the Code, this report will draw upon the Complaint, the evidence submitted by the Complainant in support of the Complaint, notes of interviews as set out above, other relevant documents and relevant Codes and protocols.
- 6.2 All Members must uphold high standards of conduct and behaviour and act in accordance with the Committee on Standards in Public Life's seven principles of public life ("the Nolan Principles"), which are reflected in section 28 of the Localism Act 2011 and set out in Annex 1 of the Council's Code.

7 OFFICIAL CAPACITY

- 7.1 It is necessary to first consider whether the Councillor was acting in his official capacity as a Member of the Council when he put a copy of article on his campaigning website "North Shields Life".



7.2 Section 27(2) of the Localism Act 2011 provides:

*'In discharging its duty under subsection (1) [promotion and maintenance of high standards of conduct], a relevant authority must, in particular, adopt a code dealing with the conduct that is expected by members and co-opted members of the authority **when they are acting in that capacity.***

7.3 The Council's Code sets out in the preamble at paragraph 1:

'North Tyneside Council ("the Authority") has adopted the following code, which has effect from 4 July 2012 and which sets out the conduct that is expected of elected and co-opted members of the authority when they are acting in that capacity'.

7.4 The Guidance is also a useful reference point, in particular at page 4, where it states:

'When does the Code apply?

S27(2) of the Localism Act 2011 says that a local authority must adopt 'a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.'

The term 'capacity' is not further defined in the Act. However, the Model Code states that:

The Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- *you misuse your position as a councillor*
- *your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor.*

This means it applies when you are carrying out your official duties, for example when you are considering or discussing local authority business, either as a councillor or representing the local authority on an outside body.

There is no formal description of what the role of a councillor is, but aside from formal local authority business it would include promoting and representing the local authority in the local community and acting as a bridge between the community and the local authority'.

7.5 There are arguably two limbs, and where either of which is satisfied a Member is considered to be acting in their capacity as a Member under the Code. The first limb relates to where a Member is acting on formal Council business, which includes when they are undertaking the business of their office as a Member, such as dealing with constituents. This might also be referred to as acting in an 'official capacity' The second limb is wider in the sense that the member does not have to be undertaking official Council business or the business of their office, but applies where the Member is acting as a representative of the Council. This involves careful consideration of the facts applicable to any given instance.

7.6 What can also be said is that there is a clear intention as set out in the Localism Act 2011, and reflected in the case law (both under the previous and current regimes), that the Code should not apply to elected Members at all times. This is in contrast to other codes of conduct, such as the code of conduct for solicitors, which applies to solicitors at all times both in a professional and private capacity. Parliament could have determined that the Code applied at all times, however, it chose not to do so. There is therefore a line between what is considered to be undertaken in the capacity as an elected Member and that which is undertaken outside of that capacity.

7.7 Whilst of course not determinative in and of itself, it is important to note that the Councillor has not at any time suggested that he was not acting in his capacity as a Councillor at the time that he put the story on his NSL campaigning website. When interviewed, the Councillor stated that the NSL website



currently has what he described as a handful of contributors, some of whom are not members of the Council, however, the Councillor accepted that NSL was a website set up and controlled by him, which he had used for political purposes, including campaigning.

7.8 We are therefore of the view that although the Councillor's intentions were clearly political, the matter concerned the advice of a senior Council Officer and therefore related to how the Council operates. As such we find that the Councillor was acting in his capacity as an elected Member of the Council and the Code applied.

8 FINDINGS

8.1 Members must act and be seen to be acting in accordance with the high standards of conduct required by and expected of those in public office when acting in that capacity. Any judgment as to whether an elected Member has failed to act accordingly and has breached the Code will be made on the balance of probabilities.

8.2 The Complaint contains the following allegations:

8.2.1 That the Councillor had published what the Complainant described as a manipulated story on the Councillor's campaigning website that wilfully called into question the judgment and political neutrality of the MO, who is also the Head of Law and Governance at the Council.

8.2.2 That the Councillor had caused what the Complainant described as 'enormous damage' to the MO professionally, referencing that online searches of the MO's name lead to articles that 'trash' his reputation. The Complainant also references in the Complaint, the use of paid for advertising by the Subject Member on social media in order to promote the story online.

8.3 The article that was published on the NSL website by the Councillor on 15 June 2021 is annexed to this report at ~~Schedule 7~~[Schedule 7](#). For the purposes of comparison, the article published by the Daily Mail on the previous day, 14 June 2021, is annexed to this report at ~~Schedule 8~~[Schedule 8](#).

8.4 When speaking to the Complainant, he made clear that a significant part of his motivation for making the Complaint was the negative effect that the story being seized upon had had on the MO personally and his reputation professionally. The Complainant referenced the fact that searches on Google of the MO's name now brought up a number of articles tarnishing his name and professionalism, which the Complainant found to be entirely inappropriate.

8.5 The MO also spoke to the Investigator and outlined the measures that he and the Council had put in place following the negative and inappropriate contact he had faced since the national press had ran the story in relation to the MO asking the Conservative Group Leader to remove the Union Flag bunting and pictures of former Tory Prime Ministers from the Conservative Group Room. These measures included the MO making settings to his LinkedIn account in order to make him less visible and the Council filtering the MO's name to a separate inbox to allow content to be reviewed.

8.6 It is not disputed that on 3 June 2021, the MO sent a message via WhatsApp to the Leader of the Conservative Group, asking him to remove items that were on display in the Conservative Group Room, which included Union Flag bunting and pictures of two previous Conservative Prime Ministers, Winston Churchill and Margaret Thatcher. The MO was of the view that this 'risked being an overtly political matter in an apolitical venue' and said that in making the request, he was trying to do his job and maintain political neutrality.

8.7 It should be made clear at this juncture that it is not within the remit of this investigation to make an assessment or determination in relation to whether the Union Flag is or is not a political symbol. The remit of this investigation is to determine whether the actions of the Councillor in response to the request by the MO represented a breach of the Code.



- 8.8 The Councillor stated that the message sent to the Conservative Group Leader was shared with the Conservative Members of the Council, again via WhatsApp. There were also two pictures that appeared in the media articles, showing 'before' and 'after' images of the group room with the bunting in place and removed. The Councillor stated that the 'after' picture was his and he believed that the 'before' picture was the Group Leader's photograph. This has been confirmed by the Group Leader in relation to a second investigation based on the same facts, conducted by the Investigator.
- 8.9 What has also been established by the Investigator is that neither the Group Leader nor the Councillor accept being responsible for the story being leaked to the media in the first instance. Consensus amongst those interviewed appears to be that the story first appeared on the 'Guido Fawkes' website, which sets out its primary motivation as having originally been to '*make mischief at the expense of politicians*'. The story as it appeared on the website can be found here:
- ~~<https://order-order.com/2021/06/14/exclusive-tories-ordered-to-take-down-union-jack-flags-by-https://orde>~~
~~[r-order.com/2021/06/14/exclusive-tories-ordered-to-take-down-union-jack-flags-by-council-official/council-official/](https://order-order.com/2021/06/14/exclusive-tories-ordered-to-take-down-union-jack-flags-by-council-official/council-official/)~~
- 8.10 It has not been possible to establish for certain when the story first appeared in the media, however, the Investigator could not find any articles that appeared before 14 June 2021. Taking into account the remarks of all of those interviewed, it appears more likely than not that Guido Fawkes was the place to which the story was first sent.
- 8.11 Applying the Code to a situation where it could be established who had initially sent the story to Guido Fawkes or the national media would be a different exercise to these circumstances where one must consider whether the act of re-publishing exacerbated the situation and was likely to be contrary to the protocol on Member/Officer relations. That is because the consideration of the consequences of re-publishing or repeating are different to the potential consequences to consider when bringing something into the public arena for the first time. Given that the Councillor has denied having sent the story to Guido Fawkes in the first instance and the absence of any evidence to the contrary, we view this matter as a re-publication of an existing news article and not the introduction of it into the public arena.
- 8.12 The Councillor candidly accepted that he did not agree with the stance taken by the MO in relation to the display in the Conservative Group Room. Two particular aspects of the MO's intervention that he disagreed with were the fact that the Union Flag flies elsewhere both inside and outside of the Council offices, so he did not see why the Conservative Group Room should be treated differently. Secondly the Councillor disagreed with the suggestion that the Union Flag is a political symbol. As already stated, this report will not make any comment upon those views, as they are not relevant to the substance of the Complaint. What the Councillor did say was that the reason for his publication of the article on the NSL website was because it was a local public interest story in relation to which he felt there should be debate.
- 8.13 The Council's Protocol on Member/Officer Relations, ("the Protocol"), appears on page 244 of the Constitution and is referenced at Part 4 of the '*Introduction to the Code of Conduct*' on page 200 of the Constitution, where it is stated that the Protocol should be '*read in Conjunction with the Members' Code of Conduct*'. The Protocol can be found at the link below and states as follows:

<https://my.northtyneside.gov.uk/sites/default/files/web-page-related-files/October%202020.pdf>

3. Respect and Courtesy

~~3.1~~ *3.1 An essential ingredient to the Authority's business being conducted effectively is ensuring mutual respect, trust, courtesy and even-handedness in all meetings and contacts between Officers and Members. This plays a very important part in the Authority's reputation and how it is seen by the public.*

4. The Authority's Reputation



~~4.1~~ 4.1 *Members and Officers both have an important role in engendering a good reputation for the Authority. In particular they should:*

- ~~a)~~ a) *protect and promote the legitimacy of democratic local government;*
- ~~b)~~ b) *promote a positive relationship between Members and Officers and be careful not to undermine it;*
- ~~c)~~ c) *avoid criticism of the Authority when formally representing it; and*
- ~~d)~~ d) *avoid personal criticism of other Members and Officers'.*

- 8.14 We are of the view that it was more likely than not that the Councillor wished to use the story for political gain and was keen to push it on his NSL website. We are of the view that in pushing the story on the NSL website this represented a failure by the Councillor to ensure mutual respect and courtesy, as required by paragraph 3.1 of the Protocol. We are also of the view that in so doing, the Councillor failed to engender a good reputation for the Authority by failing to promote a positive relationship between members and officers (para 4.1(b)) and further, failed to avoid personal criticism of other members and officers (paragraph 4.1(d)).
- 8.15 It does not appear that the Councillor was seeking to increase his personal profile, as his name did not appear on the story, however, we believe it to be more likely than not that the Councillor's motivation was, at least in part, based upon an intention to push his political agenda. We also find it more likely than not that this was why the Councillor sought to re-circulate the story across his social media, which we acknowledge, in and of itself, does not automatically constitute a breach of the Code.
- 8.16 The Councillor stated that he did not agree with the negative and defamatory comments that had been directed at the MO. He pointed out that he did not introduce the MO's name into the public arena and he felt that the NSL website would not reach a wider readership than the national media, who had already named the Monitoring Officer. The Councillor stated that he did not think that legitimate debate should be curtailed as a result of a few people who behave inappropriately. We find, however, that the pushing of the story on the NSL website was significant, as it was a re-publication by a Member of the Authority and therefore tantamount to a criticism of the MO from inside the Authority. We find that this gave the story a different complexion.
- 8.17 We consider that in re-publishing the story, the Councillor failed to treat the MO with respect and we are also of the view that a reasonable degree of foresight might have led the Councillor to anticipate the sort of negative comments that the MO may have faced as a result of him publishing the story on the NSL website. We are of the view that the Councillor should have complied with the Protocol when wishing to express his concerns regarding the MO's request, namely paragraph 7.6, which states that if Members have any concerns that an Officer is not acting in a politically neutral manner, they should refer their concerns to the relevant Head of Service or the Chief Executive. The Councillor did not take that course of action, which we find would have been more appropriate in the circumstances.
- 8.18 We bear in mind that the Councillor cannot be held responsible for the behaviour of others on the internet. By republishing the story, however, as we have addressed above, we find that the Councillor undermined the relationship of trust and confidence between himself and the MO. We also note that the Council has a duty to its employees and the actions of Councillors can mean that, in certain circumstances, the Council is vicariously liable for the consequences of actions of Councillors, as per *Moore v Bude-Stratton [2000] 3 WLUK 785*, hence the importance of adherence to the Code and associated protocols.
- 8.19 When considering whether the Councillor has brought either his office or the Authority into disrepute by his actions, we again consider the facts alongside the Guidance, which offers useful commentary on page 34, where it states:

'In general terms, disrepute can be defined as a lack of good reputation or respectability. In the context of the Code of Conduct, a Councillor's behaviour in office will bring their role into disrepute if the conduct could reasonably be regarded as either:



- reducing the public's confidence in them being able to fulfil their role; or
- adversely affecting the reputation of your authority's councillors, in being able to fulfil their role.

Conduct by a councillor which could reasonably be regarded as reducing public confidence in their local authority being able to fulfil its functions and duties will bring **the authority** into disrepute.

For example, circulating highly inappropriate, vexatious or malicious e-mails to constituents, making demonstrably dishonest posts about your authority on social media or using abusive and threatening behaviour might well bring the role of councillor into disrepute. Making grossly unfair or patently untrue or unreasonable criticism of your authority in a public arena might well be regarded as bringing your local authority into disrepute'.

- 8.20 The Model Code also references deceitful or dishonest conduct as potentially bringing the Authority and/or the role of a Councillor into disrepute.
- 8.21 Whilst we do not necessarily accept the Councillor's assertion that his main reason for re-publishing the article on the NSL website was simply to engender debate and comment around a local interest story, we do not find that his conduct in so doing brought either his role as a Councillor or the Authority into disrepute.

⚖

Part 1 Paragraph 1 of the Code - Treating others with Respect - **Breach**

- 8.22 For ease of reference Part 1 Paragraph 1 of the Code states as follows:

'Part 1 - General Conduct

~~2.~~ *You must treat others with respect, including Authority Officers and other elected members.*

- 8.23 The Complainant states in his Complaint that the Councillor published a story on his campaigning website that *'wilfully calls into question the political neutrality of senior council official Bryn Roberts'*. The Complainant goes on to say that searching the name 'Bryn Roberts North Tyneside' now leads to online articles that trash his reputation.
- 8.24 The Councillor accepted that he had posted the story in question on his campaigning website NSL on 15 June 2021 and that the story was similar to that which had appeared in the Daily Mail on 14 June. The Councillor stated that in his view national media are much better placed to ensure that content is compliant with all legislation and regulations than he is, therefore it was safest to use the articles exactly as they appear elsewhere. On inspection, the article that appeared on the NSL website is virtually a carbon copy of the story that appeared in the Daily Mail.

8-25

- 8.25 According to the Guidance on the Local Government Association Model Code of Conduct, respect encompasses engaging in robust debate and an expectation that Members will express, challenge, criticise and disagree with views, ideas, opinions and policies. Examples of disrespectful behaviour include occasions when unreasonable or demeaning behaviour is directed by one person against another.

~~8.26 We find that the republication of the story on NSL does, on balance, demonstrate a failure to treat the MO with respect. In so doing, the Councillor actively pushed the article in the local media and this action by the Councillor is, in our view, likely to undermine the relationship of mutual trust, respect and courtesy between elected Members and Officers, as set out in paragraph 3.1 of the Protocol on Member and Officer Relations ("the Protocol").~~



~~8.27 We also find, with reference to paragraph 4.1 of the Protocol that in publishing the article, the Councillor failed to promote a positive relationship between Members and Officers and was, in fact, likely to undermine it, whilst also representing a failure to avoid personal criticism of other Members and Officers. We find that this failure to avoid personal criticism of the MO and associated undermining of the relationship of mutual trust and respect represented a failure to treat the MO with respect.~~

~~8.28 The Councillor denies having sent the story to the Guido Fawkes website and there is no evidence available to determine who did so in the first instance.~~

~~8.29 Taking the above into consideration, we find that, on the balance of probabilities, the Councillor did breach Part 1 Paragraph 1 of the Code.~~

~~Part 1 Paragraph 1 of the Code – Treating others with Respect – Breach~~

~~8.30 For ease of reference Part 1 Paragraph 1 of the Code states as follows:~~

~~*'Part 1 – General Conduct*~~

~~*3. You must treat others with respect, including Authority Officers and other elected members.*~~

~~8.31 The Complainant states in his Complaint that the Councillor published a story on his campaigning website that 'wilfully calls into question the political neutrality of senior council official Bryn Roberts'.~~

~~The Complainant goes on to say that searching the name 'Bryn Roberts North Tyneside' now leads to online articles that trash his reputation.~~

~~8.32 The Councillor accepted that he had posted the story in question on his campaigning website NSL on 15 June 2021 and that the story was similar to that which had appeared in the Daily Mail on 14 June. The Councillor stated that in his view national media are much better placed to ensure that content is compliant with all legislation and regulations than he is, therefore it was safest to use the articles exactly as they appear elsewhere. On inspection, the article that appeared on the NSL website is virtually a carbon copy of the story that appeared in the Daily Mail.~~

~~8.33 According to the Guidance on the Local Government Association Model Code of Conduct, respect encompasses engaging in robust debate and an expectation that Members will express, challenge, criticise and disagree with views, ideas, opinions and policies. Examples of disrespectful behaviour include occasions when unreasonable or demeaning behaviour is directed by one person against another.~~

8.26 ~~8.34~~ The Council's Protocol on Member/Officer Relations, ("the Protocol"), appears on page 244 of the Constitution and is referenced at Part 4 of the Introduction to the Code of Conduct on page 200, where it states:

~~*4. Supporting Protocols and Procedures*~~

~~*'The following documents should be read in conjunction with the Members' Code of Conduct.*~~

~~*□ Protocol on Member/Officer relations which sets out the respective roles of Members and Officers and how they should expect to be treated by each other'.*~~

8.27 ~~8.35~~ For ease of reference, the Protocol sets out the following:

~~*3. Respect and Courtesy*~~



3.1 An essential ingredient to the Authority's business being conducted effectively is ensuring mutual respect, trust, courtesy and even-handedness in all meetings and contacts between Officers and Members. This plays a very important part in the Authority's reputation and how it is seen by the public.

4. The Authority's Reputation

4.1 Members and Officers both have an important role in engendering a good reputation for the Authority. In particular they should:

- a) a) protect and promote the legitimacy of democratic local government;
- b) b) promote a positive relationship between Members and Officers and be careful not to undermine it;
- c) c) avoid criticism of the Authority when formally representing it; and
- d) d) avoid personal criticism of other Members and Officers.

~~7-~~7. If Members have any concerns that an Officer is not acting in a politically neutral manner, they should refer their concerns to the relevant Head of Service or Chief Executive, or in the case of the Chief Executive the Elected Mayor (see section 14 'Interpretation, complaints and allegations of breaches' below). Allegations that an Officer has not acted in a politically neutral way are serious and could be damaging to his/her reputation.

8.28 ~~8-36~~The Councillor accepts that he republished the story on the NSL website. We find that, although the Councillor was not the first to publish the story, the republication of it does, on balance, demonstrate a failure to treat the MO with respect. In so doing, the Councillor actively pushed the article in the local media and this action by the Councillor is, in our view, likely to undermine the relationship of mutual trust, respect and courtesy between elected Members and Officers, as set out in paragraph 3.1 of the Protocol.

8.29 ~~8-37~~Further, we are of the view that the republication was likely to have given further oxygen to the story locally, as well as providing a new complexion to it, since this was the first time that a Member had published the article, criticising the MO from inside the Authority. We find that to have been significant.

8.30 ~~8-38~~With reference to paragraph 4.1 of the Protocol, we find that in republishing the article, the Councillor failed to promote a positive relationship between Members and Officers and was, in fact, likely to undermine it, whilst also representing a failure to avoid personal criticism of other Members and Officers. We find that this failure to avoid personal criticism of the MO and associated undermining of the relationship of mutual trust and respect represented a failure to treat the MO with respect.

8.31 ~~8-39~~The Councillor denies having sent the story to the Guido Fawkes website and there is no evidence available to determine who did so in the first instance.

8.32 ~~8-40~~The Councillor has also failed to take heed of paragraph 7.6 of the Protocol, which not only required the Councillor to refer any concerns around political neutrality to the Chief Executive, but also references the seriousness and potential damage that such an accusation can cause to any Officer. We find that the reputational damage to an MO when such an accusation is made against them is made more so, given their particular position within the Authority.

8.33 ~~8-41~~Taking the above into consideration, we find that, on the balance of probabilities, the Councillor did breach Part 1 Paragraph 1 of the Code.

Part 1 Paragraph 4 of the Code - Bringing Office or the Authority into Disrepute - No Breach

8.34 ~~8-42~~For ease of reference Part 1 paragraph 4 of the Code states as follows:



'Part 1 - General Conduct

~~5-4~~ *You must not conduct yourself in a manner which could reasonably be regarded as bringing the Authority, or your office as a member of the Authority, into disrepute.*

~~8-43~~ *The commentary in relation to bringing your office or the Authority into disrepute contained in the Guidance on the Local Government Association Model Code of Conduct is set out later in this report.*

8.35 ~~8-44~~ The Councillor made clear in his interview that he did not agree with the stance taken by the MO in requiring the removal of items from the Conservative Group room and he was of the view that Council Officers were not beyond scrutiny. The Councillor added that by publishing the story on the NSL website, he was inviting debate around a subject that he believed the public should be made aware of.

8.36 ~~8-45~~ That said, there are other procedures that the Councillor could and perhaps should have followed under the Protocol if he was unhappy with the Monitoring Officer's position, which states at paragraph 7.6:

'If Members have any concerns that an Officer is not acting in a politically neutral manner, they should refer their concerns to the relevant Head of Service or Chief Executive'.

8.37 ~~8-46~~ We find that this would have been more appropriate than the re-publication of the article on NSL. However, the Councillor did not do so and instead opened the matter to the internet, which would, in our view, clearly lead to criticism of the MO.

8.38 ~~8-47~~ Irrespective of the Councillor's motivation for the publication of the story on the NSL website, the Local Government Model Code of Conduct states the following in relation to disrepute:

'As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other Councillors and/or your local Authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow Councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the Council, whilst continuing to adhere to other aspects of this Code of Conduct'.

8.39 ~~8-48~~ In these circumstances, notwithstanding the fact that there were more appropriate means by which the Councillor could have expressed his concerns around the MO's decision, we do not find the behaviour of the Councillor to be dishonest or deceitful to such a degree that would represent a breach of the Code. Whilst we are of the view that there was a clear political motivation behind the publication of the story on NSL by the Councillor, that does not, in and of itself, bring the Council into disrepute.

8.40 ~~8-49~~ Whether and/or the extent to which the Councillor continued to adhere to other aspects of the Code of Conduct is addressed above, in these circumstances 'treating others with respect'.

8.41 ~~8-50~~ On the basis of what is set out above, on the balance of probability, the Councillor did not breach Part 1 Paragraph 4 of the Code.

9 SANCTIONS AND RECOMMENDATIONS

9.1 As the Council will be aware, section 28(11) of the Localism Act 2011 states that:

If a relevant authority finds that a member or co-opted member of the authority has failed to comply with its code of conduct (whether or not the finding is made following an investigation under arrangements put in place under subsection (6)) it may have regard to the failure in deciding—



~~(a)~~ (a) whether to take action in relation to the member or co-opted member, and

~~(b)~~ (b) what action to take.

9.2 The Localism Act 2011 does not prescribe what that action might be, or in other words what sanctions are available upon a finding that a breach of the Code has occurred.

9.3 The case of [R \(Taylor\) v Honiton Town Council \[2016\] EWHC 3307 \(Admin\)](#) ("the Honiton case") provides some guidance as to available sanctions, and the following excerpts from paragraphs 39 to 43 of the judgment are applicable:

39. ~~...~~ Parliament clearly contemplates that a relevant authority may take "action" following a finding of non-compliance with a code, and does not seek to define or limit what action that may be. The abolition of the old regime carries with it, as Hickinbottom J observed, the abolition of the power to disqualify and suspend but otherwise the powers appear to be undefined, at least where the breach does not involve any impropriety in relation to pecuniary interests~~...~~

40. ~~...~~ Provided that it is lawful, which in this context includes fully respecting the important right to freedom of expression enjoyed by members of local authorities in the interests of effective local democracy, a sanction may be imposed which requires a member of a local authority to do something. It must be proportionate to the breach. In [Bank Mellat v HM Treasury \(No 2\) \[2014\] AC 700](#) [2014] AC 700, the test of proportionality was stated as follows by Lord Sumption JSC at 770, para 20, I as follows:

"the question depends on an exacting analysis of the factual case advanced in defence of the measure, in order to determine (i) whether its objective is sufficiently important to justify the limitation of a fundamental right; (ii) whether it is rationally connected to the objective; (iii) whether a less intrusive measure could have been used; and (iv) whether, having regard to these matters and to the severity of the consequences, a fair balance has been struck between the rights of the individual and the interests of the community. These four requirements are logically separate, but in practice they inevitably overlap because the same facts are likely to be relevant to more than one of them."

41. ~~...~~ The existence of a code of conduct is regarded by Parliament as an important aspect of the maintenance of standards. It appears to me to be proportionate to a significant breach of it for a relevant authority to require the person in breach to be trained in its meaning and application. There is no point in having a code of conduct if members of the authority are not aware of its meaning and effect and where a member has demonstrated by his conduct that this is the case, a reasonable amount of training appears to be a sensible measure. A local authority should be able to require its members to undertake training which is designed to enable them to fulfil their public functions safely and effectively.

42. It was reasonably open to the decision maker to conclude that this was a serious breach of the Code. There is no finding as to the claimant's motives and it may be that he acted in good faith, believing that his statement about the Town Clerk was justified. However, it was not. He accused her of criminal conduct when there was not the slightest justification for doing so. This was a very serious error of judgement. Therefore, a requirement of training was proportionate.

43. ~~...~~ I consider that it is open to a relevant authority exercising its power as contemplated by s.28(11) to take action following a failure to comply with a code of conduct to require the member to undertake training. That decision will usually be published and it will be open to the authority to publish what happens as a result of the requirement.

9.4 The rationale from the Honiton case is that a sanction can be imposed that requires a Member found in breach of the Code to do something. In the Honiton case the requirement to undertake training was held to be lawful and proportionate following what the Court described as a "significant breach". We would also point out that the word 'sanction' is not used in the Localism Act 2011. We are of the view that 'sanction' denotes a form of punishment, whereas 'action' is much wider and incorporates what we



would describe as 'measures', being actions with the purpose of complying with duties and for protecting third parties for example. In other words the focus of a 'measure' is not about punishment.

- 9.5 Whilst it is not prescribed what 'actions' can be taken, the Council is, in our view, under other duties, such as those contained within the Health and Safety at Work etc. Act ~~1972, 1974~~, which require it to put measures in place to protect employees and other persons who may be affected by their functions. Further, the Council is subject to the provisions of the UK GDPR and the Data Protection Act 2018, as well as multiple duties of confidentiality and trust.
- 9.6 In the circumstances of this Investigation there has been a breach of the Code ~~and we consider that it would be a fair and proportionate outcome for the Councillor to:~~ 9.6.1 — Apologise to the MO for his part in the distress caused to him and personally acknowledge the inappropriateness of the republication of the story on the NSL website. The apology should be sent to the Deputy Monitoring Officer for approval prior to being sent to the MO and must be sent prior to a specified deadline, and our original report recommended that a fair and proportionate outcome would be for the Councillor to apologise in writing to the MO.
- 9.7 Shortly after the final report was submitted the MO Mr Bryn Roberts left the employ of the Council. The Complaint is yet to be finally determined and therefore the present circumstances are material and relevant to the issue of how the matter should now proceed.
- 9.8 As will be noted from the comments on the draft report set out in the following section, the Councillor responded to the draft report to state that he did not agree that his behaviour had undermined the member/officer relationship, or that it was disrespectful. The Councillor did however state that if this was the view of the MO then he would be happy to offer an apology.
- 9.9 Notwithstanding that Mr Roberts has now left the employ of the Council, and therefore the provision of an apology would no longer be relevant to repairing the relationship between the Councillor and Mr Roberts, the Councillor's offer of an apology is qualified, and he has stated clearly that he does not accept that his behaviour amounted to a breach of the Code.
- 9.10 This is of concern as the Councillor does not accept that his actions were contrary to the Protocol, in particular paragraphs 4.1(d) and 7.6 which state:
- 4.1 Members and Officers both have an important role in engendering a good reputation for the Authority. In particular they should:*
- d) avoid personal criticism of other Members and Officers.*
- 7.6 If Members have any concerns that an Officer is not acting in a politically neutral manner, they should refer their concerns to the relevant Head of Service or Chief Executive'.*
- 9.11 We would suggest that it can be reasonably inferred from the fact that the Councillor published the article that he was intending to be personally critical of Mr Roberts. Further, in disagreeing that the removal was appropriate due to Mr Roberts' considering the display (which Mr Roberts took as a whole, being both the bunting and the pictures of former conservative Prime Ministers) to be overtly political, the Councillor could reasonably be considered to be alleging that Mr Roberts was not acting in a politically neutral manner, and should therefore have referred his concerns to the Chief Executive in accordance with the Protocol.
- 9.12 The position that the Councillor has failed to act in accordance with the Protocol (and has therefore failed to treat the former Monitoring Officer with respect) is therefore made out regardless of whether the Councillor agrees that his behaviour was contrary to the Code, or whether what Mr Roberts did was appropriate or not.
- 9.13 It also raises a more general concern in the sense that it demonstrates a potential issue in relation to the role of the Monitoring Officer, regardless of who holds that position.



9.14 In consequence, we consider that it would be a fair and proportionate outcome for the Councillor to undergo a training session in relation to the Protocol, which could be provided by the new Monitoring Officer (or another appropriate Officer).

10 COMMENTS ON DRAFT

10.1 A draft version of this Report was provided to both the Complainant and the Councillor for comment prior to being finalised.

10.2 The Complainant responded to the draft report by email, in which he stated the following:

'Dear Mark

Thank you for sending me a copy of this draft report. I am satisfied with its contents and conclusions.

Best wishes,

Councillor Matt Wilson

10.3 The Councillor also responded to the draft Report by email, in which he stated:

'Hi Both,

Many thanks for this, please see my response below.

As I have made clear in several submissions the North Shields Life website is run by a number of people, references in this report to 'his website' are therefore inaccurate as this is a joint endeavour. With regard to the republication of the story this was already in the public domain through the national press, the North Shields life article will not have substantially increased its reach. I do not agree that the republication of the article has undermined the member - officer relationship, or that the republication was disrespectful to the officer in question, however if that is the view of the officer I am happy to offer an apology. It is also worth noting that had an apology been requested at the beginning of this process it would have been given and saved a lot of time and taxpayer money.

I would however make the point that officers too are public servants and while politically neutral, their actions should be held to the same high standards. They cannot be beyond reproach.

Best

Liam'

11 NEXT STEPS

11.1 On the basis that the recommendations set out in this report have changed, and the Councillor remains a member of the Council, we would suggest that in order to satisfy due process this revised version of the report should be shared confidentially with the Councillor (and the Complainant) for comment.

11.2 ~~4.4~~ Paragraph 8 of the Arrangements, (annexed at Schedule 3), states:

'8. What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

~~a.a.~~ Local Resolution



Where the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct, there may still be an opportunity for local resolution, avoiding the necessity of a hearing. An investigation report may cause a member to recognise that his/her conduct was at least capable of giving offence, and /or identify other appropriate remedial action, and the Complainant may be satisfied for instance, by recognition of fault or an apology. It would only be appropriate for the Monitoring Officer to agree a local resolution at this stage after consultation with one of the Authority's Independent Persons and the Chair of the Standards Committee. In addition this would be conditional on the Complainant being satisfied with the outcome. A summary report on any local resolution of a complaint would be reported to the Standards Committee for information.

b-b. Referral for Hearing

If local resolution was not possible, the Monitoring Officer will then refer the matter for a hearing before the Committee/Sub-Committee'.

11.3 Should the Councillor be willing to accept that his behaviour was a breach of the Protocol, and that training on the same would be appropriate, we would suggest that this matter can be dealt with by way of local resolution.

**Bevan Brittan LLP
February 2022**

UPDATED September 2022

Bevan Brittan 

North Tyneside Metropolitan Borough Council
Standards Investigation Report
Councillor Liam Bones
February 2022

BB Confidential

1 EXECUTIVE SUMMARY

- 1.1 On 18 June 2021 a complaint was received from Councillor Matt Wilson ("the Complainant") alleging that Councillor Liam Bones ("the Councillor") had breached the Council's Code of Conduct ("the Code"). The Complainant is an elected member of the North Tyneside Metropolitan Borough Council ("the Council") representing the Preston ward.
- 1.2 The Complainant alleged that the Councillor had published what the Complainant described as a manipulated story on the Councillor's campaigning website that wilfully called into question the judgment and political neutrality of the Council's Monitoring Officer ("the MO"), who is also the Head of Law and Governance at the Council. The Complainant further alleged that in so doing, the Councillor had caused what the Complainant described as 'enormous damage' to the MO professionally, referencing that online searches of the MO's name lead to articles that 'trash' his reputation. The Complainant also references in the Complaint, the use of paid for advertising by the Subject Member on social media in order to promote the story online.
- 1.3 The story referred to relates to a request made by the MO to the Leader of the Conservative Group on the Council to remove Union Flag bunting, together with pictures of former Prime Ministers Winston Churchill and Margaret Thatcher, from the Conservative Group Room in the Council offices.
- 1.4 Members must act and be seen to be acting in accordance with the high standards required of those in public office. A judgment as to whether an elected member has breached the Code must be made on the balance of probabilities.
- 1.5 The Complainant and the Councillor have both been interviewed and both have agreed notes of the conversations held with the Investigator. The MO has also been interviewed and has agreed a note of the conversation held with the Investigator.
- 1.6 Having carefully considered the issues, the available documentation, other relevant documents, relevant policies and the information gathered by way of interviews, we conclude that the Councillor was acting in his capacity as a Member of the Council when publishing the story on his campaigning website 'North Shields Life ("NSL")'.
- 1.7 The Complainant does not set out which parts of the Code are alleged to have been breached by the Councillor. We consider that the parts of the Code that are relevant to this Investigation are Paragraphs 1 and 4 of Part 1 - General Conduct. We are not of the view that any other parts of the Code are relevant to this Investigation.

Part 1 Paragraph 1 of the Code - Treating others with Respect - Breach

- 1.8 For ease of reference Part 1 Paragraph 1 of the Code states as follows:

'Part 1 - General Conduct

1. *You must treat others with respect, including Authority Officers and other elected members.*

- 1.9 The Complainant states in his Complaint that the Councillor published a story on his campaigning website that *'wilfully calls into question the political neutrality of senior council official Bryn Roberts'*. The Complainant goes on to say that searching the name 'Bryn Roberts North Tyneside' now leads to online articles that trash his reputation.
- 1.10 The Councillor accepted that he had posted the story in question on his campaigning website NSL on 15 June 2021 and that the story was similar to that which had appeared in the Daily Mail on 14 June. The Councillor stated that in his view national media are much better placed to ensure that content is compliant with all legislation and regulations than he is, therefore it was safest to use the articles exactly as they appear elsewhere. On inspection, the article that appeared on the NSL website is virtually a carbon copy of the story that appeared in the Daily Mail.

Bevan Brittan 

1.11 According to the Guidance on the Local Government Association Model Code of Conduct, respect encompasses engaging in robust debate and an expectation that Members will express, challenge, criticise and disagree with views, ideas, opinions and policies. Examples of disrespectful behaviour include occasions when unreasonable or demeaning behaviour is directed by one person against another.

1.12 The Council's Protocol on Member/Officer Relations, ("the Protocol"), appears on page 244 of the Constitution and is referenced at Part 4 of the Introduction to the Code of Conduct on page 200, where it states:

4. Supporting Protocols and Procedures

'The following documents should be read in conjunction with the Members' Code of Conduct.

- *Protocol on Member/Officer relations which sets out the respective roles of Members and Officers and how they should expect to be treated by each other'.*

1.13 For ease of reference, the Protocol sets out the following:

3. Respect and Courtesy

3.1 An essential ingredient to the Authority's business being conducted effectively is ensuring mutual respect, trust, courtesy and even-handedness in all meetings and contacts between Officers and Members. This plays a very important part in the Authority's reputation and how it is seen by the public.

4. The Authority's Reputation

4.1 Members and Officers both have an important role in engendering a good reputation for the Authority. In particular they should:

- a) protect and promote the legitimacy of democratic local government;*
- b) promote a positive relationship between Members and Officers and be careful not to undermine it;*
- c) avoid criticism of the Authority when formally representing it; and*
- d) avoid personal criticism of other Members and Officers.*

7. If Members have any concerns that an Officer is not acting in a politically neutral manner, they should refer their concerns to the relevant Head of Service or Chief Executive, or in the case of the Chief Executive the Elected Mayor (see section 14 'Interpretation, complaints and allegations of breaches' below). Allegations that an Officer has not acted in a politically neutral way are serious and could be damaging to his/her reputation.

1.14 The Councillor accepts that he republished the story on the NSL website. We find that, although the Councillor was not the first to publish the story, the republication of it does, on balance, demonstrate a failure to treat the MO with respect. In so doing, the Councillor actively pushed the article in the local media and this action by the Councillor is, in our view, likely to undermine the relationship of mutual trust, respect and courtesy between elected Members and Officers, as set out in paragraph 3.1 of the Protocol.

1.15 Further, we are of the view that the republication was likely to have given further oxygen to the story locally, as well as providing a new complexion to it, since this was the first time that a Member had published the article, criticising the MO from inside the Authority. We find that to have been significant.

1.16 With reference to paragraph 4.1 of the Protocol, we find that in republishing the article, the Councillor failed to promote a positive relationship between Members and Officers and was, in fact, likely to undermine it, whilst also representing a failure to avoid personal criticism of other Members and

Bevan Brittan

Officers. We find that this failure to avoid personal criticism of the MO and associated undermining of the relationship of mutual trust and respect represented a failure to treat the MO with respect.

- 1.17 The Councillor denies having sent the story to the Guido Fawkes website and there is no evidence available to determine who did so in the first instance.
- 1.18 The Councillor has also failed to take heed of paragraph 7.6 of the Protocol, which not only required the Councillor to refer any concerns around political neutrality to the Chief Executive, but also references the seriousness and potential damage that such an accusation can cause to any Officer. We find that the reputational damage to an MO when such an accusation is made against them is made more so, given their particular position within the Authority.
- 1.19 Taking the above into consideration, we find that, on the balance of probabilities, the Councillor did breach Part 1 Paragraph 1 of the Code.

Part 1 Paragraph 4 of the Code - Bringing Office or the Authority into Disrepute - No Breach

- 1.20 For ease of reference Part 1 paragraph 4 of the Code states as follows:

'Part 1 - General Conduct

4. *You must not conduct yourself in a manner which could reasonably be regarded as bringing the Authority, or your office as a member of the Authority, into disrepute.*

- 1.21 The commentary in relation to bringing your office or the Authority into disrepute contained in the Guidance on the Local Government Association Model Code of Conduct is set out later in this report.
- 1.22 The Councillor made clear in his interview that he did not agree with the stance taken by the MO in requiring the removal of items from the Conservative Group room and he was of the view that Council Officers were not beyond scrutiny. The Councillor added that by publishing the story on the NSL website, he was inviting debate around a subject that he believed the public should be made aware of.
- 1.23 That said, there are other procedures that the Councillor could and perhaps should have followed under the Protocol if he was unhappy with the Monitoring Officer's position, which states at paragraph 7.6:

'If Members have any concerns that an Officer is not acting in a politically neutral manner, they should refer their concerns to the relevant Head of Service or Chief Executive'.

- 1.24 We find that this would have been more appropriate than the re-publication of the article on NSL. However, the Councillor did not do so and instead opened the matter to the internet, which would, in our view, clearly lead to criticism of the MO.
- 1.25 Irrespective of the Councillor's motivation for the publication of the story on the NSL website, the Local Government Model Code of Conduct states the following in relation to disrepute:

'As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other Councillors and/or your local Authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow Councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the Council, whilst continuing to adhere to other aspects of this Code of Conduct'.

Bevan Brittan 

- 1.26 In these circumstances, notwithstanding the fact that there were more appropriate means by which the Councillor could have expressed his concerns around the MO's decision, we do not find the behaviour of the Councillor to be dishonest or deceitful to such a degree that would represent a breach of the Code. Whilst we are of the view that there was a clear political motivation behind the publication of the story on NSL by the Councillor, that does not, in and of itself, bring the Council into disrepute.
- 1.27 Whether and/or the extent to which the Councillor continued to adhere to other aspects of the Code of Conduct is addressed above, in these circumstances 'treating others with respect'.
- 1.28 On the basis of what is set out above, on the balance of probability, the Councillor did not breach Part 1 Paragraph 4 of the Code.

2 MEMBER DETAILS

- 2.1 Councillor Liam Bones ("the Councillor") was first elected to the Council on 6 May 2021. The Councillor is a Conservative Member representing the Preston ward.
- 2.2 The Councillor currently holds the following committee appointments:
- 2.2.1 Culture and Leisure Sub-Committee
- 2.2.2 Economic Prosperity Sub-Committee

3 THE COMPLAINT

- 3.1 On 18 June 2021, a Complaint was received by the Monitoring Officer at the Council from the Complainant, alleging that the Councillor had breached the Council's Code of Conduct for Members ("the Code"). A copy of the Complaint is attached to this report as **Schedule 1**.
- 3.2 The Complaint can be summarised as follows:
- 3.2.1 The Complainant submitted a Complaint stating that the Councillor had published what the Complainant described as a manipulated story on the Councillor's campaigning website that wilfully called into question the judgment and political neutrality of the MO, who is also the Head of Law and Governance at the Council.
- 3.2.2 The Complainant further alleged that in so doing, the Councillor had caused what the Complainant described as 'enormous damage' to the MO professionally, referencing that online searches of the MO's name lead to articles that 'trash' his reputation. The Complainant also references in the Complaint, the use of paid for advertising by the Subject Member on social media in order to promote the story online.
- 3.3 In terms of the outcome of the Complaint, the Complainant, (to whom it has been explained by the Investigator that the sanctions available to the Council upon a finding of breach are likely to be limited), stated that he hopes that whatever the outcome he hopes that the process sends a message to the Councillor that he must abide by high standards of conduct as a Councillor.

4 RELEVANT PARTS OF THE CODE OF CONDUCT

- 4.1 The Council's Code is attached to this report at **Schedule 2**.
- 4.2 The Complainant did not set out in the Complaint the parts of the Code that he believed were relevant or that had potentially been breached by the Councillor. We consider that the parts of the Code that are relevant to this investigation are as follows:

Part 1 - General Conduct

1. *You must treat others with respect, including Authority officers and other elected Members.*

Bevan Brittan 

4. You must conduct yourself in a manner which could reasonably be regarded as bringing the Authority, or your office as a Member of the Authority into disrepute.
- 4.3 There has, until very recently, been a lack of general guidance (or much case law) on the operation of Members' Codes of Conduct under the Localism Act 2011, which is predominantly because there is no longer a statutorily prescribed version adopted by all local authorities. Instead, there is a requirement to adopt a Code, the content of which is at the discretion of the local authority. Naturally, this has produced a variety of Codes ranging from those which set out basic principles, to those which are very detailed and specific about the behaviour expected of Members.
- 4.4 Some guidance appears in the 2020 Local Government Association Model Councillor Code of Conduct, which can be found here:
<https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020>
- 4.5 Further useful guidance appears in the July 2021 Guidance on Local Government Association Model Councillor Code of Conduct, ("the guidance"), which can be found here:
<https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct>
- 4.6 In relation to treating others with respect, the Model Code of Conduct States on page 4:
'Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.
In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.
In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol'.
- 4.7 The Guidance states the following in relation to respect:
'You will engage in robust debate at times and are expected to express, challenge, criticise and disagree with views, ideas, opinions, and policies. Doing these things in a respectful way will help you to build and maintain healthy working relationships with fellow councillors, officers, and members of the public, it encourages others to treat you with respect and helps to avoid conflict and stress. Respectful and healthy working relationships and a culture of mutual respect can encourage positive debate and meaningful communication which in turn can increase the exchange of ideas, understanding and knowledge.
Examples of ways in which you can show respect are by being polite and courteous, listening and paying attention to others, having consideration for other people's feelings, following protocols and rules, showing appreciation and thanks and being kind. In a local government context this can mean using appropriate language in meetings and written communications, allowing others time to speak without interruption during debates, focusing any criticism or challenge on ideas and policies rather than personalities or personal attributes and recognising the contribution of others to projects.

Disrespectful behaviour

Bevan Brittan

Failure to treat others with respect will occur when unreasonable or demeaning behaviour is directed by one person against or about another. The circumstances in which the behaviour occurs are relevant in assessing whether the behaviour is disrespectful. The circumstances include the place where the behaviour occurs, who observes the behaviour, the character and relationship of the people involved and the behaviour of anyone who prompts the alleged disrespect.

Disrespectful behaviour can take many different forms ranging from overt acts of abuse and disruptive or bad behaviour to insidious actions such as bullying and the demeaning treatment of others. It is subjective and difficult to define. However, it is important to remember that any behaviour that a reasonable person would think would influence the willingness of fellow councillors, officers or members of the public to speak up or interact with you because they expect the encounter will be unpleasant or highly uncomfortable fits the definition of disrespectful behaviour.

Examples of disrespect in a local government context might include rude or angry outbursts in meetings, use of inappropriate language in meetings or written communications such as swearing, ignoring someone who is attempting to contribute to a discussion, attempts to shame or humiliate others in public, nit-picking and fault-finding, the use of inappropriate sarcasm in communications and the sharing of malicious gossip or rumours'.

4.8 In relation to bringing your office or the Authority into disrepute, the Model Code states:

'As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct'.

4.9 The Guidance in respect of bringing your office or the Authority into disrepute states:

'As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. Article 10 of the European Convention on Human Rights protects your right to freedom of expression, and political speech as a councillor is given enhanced protection but this right is not unrestricted. You should be aware that your actions might have an adverse impact on your role, other councillors and/or your local authority and may lower the public's confidence in your ability to discharge your functions as a councillor or your local authority's ability to discharge its functions.

*In general terms, disrepute can be defined as a lack of good reputation or respectability. In the context of the Code of Conduct, a Councillor's behaviour in office will bring their **role** into disrepute if the conduct could reasonably be regarded as either:*

- *reducing the public's confidence in them being able to fulfil their role; or*
- *adversely affecting the reputation of your authority's councillors, in being able to fulfil their role.*

*Conduct by a councillor which could reasonably be regarded as reducing public confidence in their local authority being able to fulfil its functions and duties will bring **the authority** into disrepute.*

For example, circulating highly inappropriate, vexatious or malicious e-mails to constituents, making demonstrably dishonest posts about your authority on social media or using abusive and threatening behaviour might well bring the role of councillor into disrepute. Making grossly unfair or patently untrue or unreasonable criticism of your authority in a public arena might well be regarded as bringing your local authority into disrepute'.

Bevan Brittan **5 PROCESS OF INVESTIGATION AND EVIDENCE GATHERED**

- 5.1 Following receipt of the Complaint and in accordance with the Council's 'Arrangements for Dealing with Allegations of Breaches of the Code of Conduct for Members and Co-opted Members', ("the Arrangements"), which are annexed to this report at **Schedule 3**, the MO departed from the usual determination process, as the Complaint related to action involving the MO. A panel of the Standards sub-Committee was convened and met with the Independent Person to consider the Complaint and determined that it should be referred for investigation.
- 5.2 A Senior Lawyer at the Council, (who has administered the Complaint on behalf of the Monitoring Officer), appointed Mark Robinson, Associate Barrister at Bevan Brittan LLP, to investigate the Complaint.
- 5.3 Enquiries were made by the Investigator to speak with the Complainant, the MO and the Councillor and meetings took place separately with them. Notes of the interviews are attached to this report as indicated:
- 5.3.1 The Complainant - **Schedule 4**
- 5.3.2 The Monitoring Officer - **Schedule 5**
- 5.3.3 The Councillor - **Schedule 6**
- 5.4 The notes of interview are not verbatim records and are not intended to capture everything that was discussed. They are intended to be notes capturing the key points raised. All three people interviewed have confirmed that they are happy with the content of their respective interview notes.

6 RELEVANT EVIDENCE

- 6.1 In order to determine whether the Councillor has breached the Code, this report will draw upon the Complaint, the evidence submitted by the Complainant in support of the Complaint, notes of interviews as set out above, other relevant documents and relevant Codes and protocols.
- 6.2 All Members must uphold high standards of conduct and behaviour and act in accordance with the Committee on Standards in Public Life's seven principles of public life ("the Nolan Principles"), which are reflected in section 28 of the Localism Act 2011 and set out in Annex 1 of the Council's Code.

7 OFFICIAL CAPACITY

- 7.1 It is necessary to first consider whether the Councillor was acting in his official capacity as a Member of the Council when he put a copy of article on his campaigning website "North Shields Life".
- 7.2 Section 27(2) of the Localism Act 2011 provides:
- 'In discharging its duty under subsection (1) [promotion and maintenance of high standards of conduct], a relevant authority must, in particular, adopt a code dealing with the conduct that is expected by members and co-opted members of the authority **when they are acting in that capacity.***
- 7.3 The Council's Code sets out in the preamble at paragraph 1:
- 'North Tyneside Council ("the Authority") has adopted the following code, which has effect from 4 July 2012 and which sets out the conduct that is expected of elected and co-opted members of the authority when they are acting in that capacity.'*
- 7.4 The Guidance is also a useful reference point, in particular at page 4, where it states:
- 'When does the Code apply?'***

Bevan Brittan 

S27(2) of the Localism Act 2011 says that a local authority must adopt 'a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.'

The term 'capacity' is not further defined in the Act. However, the Model Code states that:

The Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- *you misuse your position as a councillor*
- *your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor.*

This means it applies when you are carrying out your official duties, for example when you are considering or discussing local authority business, either as a councillor or representing the local authority on an outside body.

There is no formal description of what the role of a councillor is, but aside from formal local authority business it would include promoting and representing the local authority in the local community and acting as a bridge between the community and the local authority'.

- 7.5 There are arguably two limbs, and where either of which is satisfied a Member is considered to be acting in their capacity as a Member under the Code. The first limb relates to where a Member is acting on formal Council business, which includes when they are undertaking the business of their office as a Member, such as dealing with constituents. This might also be referred to as acting in an 'official capacity' The second limb is wider in the sense that the member does not have to be undertaking official Council business or the business of their office, but applies where the Member is acting as a representative of the Council. This involves careful consideration of the facts applicable to any given instance.
- 7.6 What can also be said is that there is a clear intention as set out in the Localism Act 2011, and reflected in the case law (both under the previous and current regimes), that the Code should not apply to elected Members at all times. This is in contrast to other codes of conduct, such as the code of conduct for solicitors, which applies to solicitors at all times both in a professional and private capacity. Parliament could have determined that the Code applied at all times, however, it chose not to do so. There is therefore a line between what is considered to be undertaken in the capacity as an elected Member and that which is undertaken outside of that capacity.
- 7.7 Whilst of course not determinative in and of itself, it is important to note that the Councillor has not at any time suggested that he was not acting in his capacity as a Councillor at the time that he put the story on his NSL campaigning website. When interviewed, the Councillor stated that the NSL website currently has what he described as a handful of contributors, some of whom are not members of the Council, however, the Councillor accepted that NSL was a website set up and controlled by him, which he had used for political purposes, including campaigning.
- 7.8 We are therefore of the view that although the Councillor's intentions were clearly political, the matter concerned the advice of a senior Council Officer and therefore related to how the Council operates. As such we find that the Councillor was acting in his capacity as an elected Member of the Council and the Code applied.

8 FINDINGS

- 8.1 Members must act and be seen to be acting in accordance with the high standards of conduct required by and expected of those in public office when acting in that capacity. Any judgment as to whether an elected Member has failed to act accordingly and has breached the Code will be made on the balance of probabilities.

Bevan Brittan 

- 8.2 The Complaint contains the following allegations:
- 8.2.1 That the Councillor had published what the Complainant described as a manipulated story on the Councillor's campaigning website that wilfully called into question the judgment and political neutrality of the MO, who is also the Head of Law and Governance at the Council.
- 8.2.2 That the Councillor had caused what the Complainant described as 'enormous damage' to the MO professionally, referencing that online searches of the MO's name lead to articles that 'trash' his reputation. The Complainant also references in the Complaint, the use of paid for advertising by the Subject Member on social media in order to promote the story online.
- 8.3 The article that was published on the NSL website by the Councillor on 15 June 2021 is annexed to this report at **Schedule 7**. For the purposes of comparison, the article published by the Daily Mail on the previous day, 14 June 2021, is annexed to this report at **Schedule 8**.
- 8.4 When speaking to the Complainant, he made clear that a significant part of his motivation for making the Complaint was the negative effect that the story being seized upon had had on the MO personally and his reputation professionally. The Complainant referenced the fact that searches on Google of the MO's name now brought up a number of articles tarnishing his name and professionalism, which the Complainant found to be entirely inappropriate.
- 8.5 The MO also spoke to the Investigator and outlined the measures that he and the Council had put in place following the negative and inappropriate contact he had faced since the national press had ran the story in relation to the MO asking the Conservative Group Leader to remove the Union Flag bunting and pictures of former Tory Prime Ministers from the Conservative Group Room. These measures included the MO making settings to his LinkedIn account in order to make him less visible and the Council filtering the MO's name to a separate inbox to allow content to be reviewed.
- 8.6 It is not disputed that on 3 June 2021, the MO sent a message via WhatsApp to the Leader of the Conservative Group, asking him to remove items that were on display in the Conservative Group Room, which included Union Flag bunting and pictures of two previous Conservative Prime Ministers, Winston Churchill and Margaret Thatcher. The MO was of the view that this 'risked being an overtly political matter in an apolitical venue' and said that in making the request, he was trying to do his job and maintain political neutrality.
- 8.7 It should be made clear at this juncture that it is not within the remit of this investigation to make an assessment or determination in relation to whether the Union Flag is or is not a political symbol. The remit of this investigation is to determine whether the actions of the Councillor in response to the request by the MO represented a breach of the Code.
- 8.8 The Councillor stated that the message sent to the Conservative Group Leader was shared with the Conservative Members of the Council, again via WhatsApp. There were also two pictures that appeared in the media articles, showing 'before' and 'after' images of the group room with the bunting in place and removed. The Councillor stated that the 'after' picture was his and he believed that the 'before' picture was the Group Leader's photograph. This has been confirmed by the Group Leader in relation to a second investigation based on the same facts, conducted by the Investigator.
- 8.9 What has also been established by the Investigator is that neither the Group Leader nor the Councillor accept being responsible for the story being leaked to the media in the first instance. Consensus amongst those interviewed appears to be that the story first appeared on the 'Guido Fawkes' website, which sets out its primary motivation as having originally been to '*make mischief at the expense of politicians*'. The story as it appeared on the website can be found here:
- <https://order-order.com/2021/06/14/exclusive-tories-ordered-to-take-down-union-jack-flags-by-council-official/>
- 8.10 It has not been possible to establish for certain when the story first appeared in the media, however, the Investigator could not find any articles that appeared before 14 June 2021. Taking into account

Bevan Brittan

the remarks of all of those interviewed, it appears more likely than not that Guido Fawkes was the place to which the story was first sent.

- 8.11 Applying the Code to a situation where it could be established who had initially sent the story to Guido Fawkes or the national media would be a different exercise to these circumstances where one must consider whether the act of re-publishing exacerbated the situation and was likely to be contrary to the protocol on Member/Officer relations. That is because the consideration of the consequences of re-publishing or repeating are different to the potential consequences to consider when bringing something into the public arena for the first time. Given that the Councillor has denied having sent the story to Guido Fawkes in the first instance and the absence of any evidence to the contrary, we view this matter as a re-publication of an existing news article and not the introduction of it into the public arena.
- 8.12 The Councillor candidly accepted that he did not agree with the stance taken by the MO in relation to the display in the Conservative Group Room. Two particular aspects of the MO's intervention that he disagreed with were the fact that the Union Flag flies elsewhere both inside and outside of the Council offices, so he did not see why the Conservative Group Room should be treated differently. Secondly the Councillor disagreed with the suggestion that the Union Flag is a political symbol. As already stated, this report will not make any comment upon those views, as they are not relevant to the substance of the Complaint. What the Councillor did say was that the reason for his publication of the article on the NSL website was because it was a local public interest story in relation to which he felt there should be debate.
- 8.13 The Council's Protocol on Member/Officer Relations, ("the Protocol"), appears on page 244 of the Constitution and is referenced at Part 4 of the 'Introduction to the Code of Conduct' on page 200 of the Constitution, where it is stated that the Protocol should be 'read in Conjunction with the Members' Code of Conduct'. The Protocol can be found at the link below and states as follows:

<https://my.northtyneside.gov.uk/sites/default/files/web-page-related-files/October%202020.pdf>

3. Respect and Courtesy

3.1 An essential ingredient to the Authority's business being conducted effectively is ensuring mutual respect, trust, courtesy and even-handedness in all meetings and contacts between Officers and Members. This plays a very important part in the Authority's reputation and how it is seen by the public.

4. The Authority's Reputation

4.1 Members and Officers both have an important role in engendering a good reputation for the Authority. In particular they should:

- a) protect and promote the legitimacy of democratic local government;*
- b) promote a positive relationship between Members and Officers and be careful not to undermine it;*
- c) avoid criticism of the Authority when formally representing it; and*
- d) avoid personal criticism of other Members and Officers'.*

- 8.14 We are of the view that it was more likely than not that the Councillor wished to use the story for political gain and was keen to push it on his NSL website. We are of the view that in pushing the story on the NSL website this represented a failure by the Councillor to ensure mutual respect and courtesy, as required by paragraph 3.1 of the Protocol. We are also of the view that in so doing, the Councillor failed to engender a good reputation for the Authority by failing to promote a positive relationship between members and officers (para 4.1(b)) and further, failed to avoid personal criticism of other members and officers (paragraph 4.1(d)).

Bevan Brittan 

- 8.15 It does not appear that the Councillor was seeking to increase his personal profile, as his name did not appear on the story, however, we believe it to be more likely than not that the Councillor's motivation was, at least in part, based upon an intention to push his political agenda. We also find it more likely than not that this was why the Councillor sought to re-circulate the story across his social media, which we acknowledge, in and of itself, does not automatically constitute a breach of the Code.
- 8.16 The Councillor stated that he did not agree with the negative and defamatory comments that had been directed at the MO. He pointed out that he did not introduce the MO's name into the public arena and he felt that the NSL website would not reach a wider readership than the national media, who had already named the Monitoring Officer. The Councillor stated that he did not think that legitimate debate should be curtailed as a result of a few people who behave inappropriately. We find, however, that the pushing of the story on the NSL website was significant, as it was a re-publication by a Member of the Authority and therefore tantamount to a criticism of the MO from inside the Authority. We find that this gave the story a different complexion.
- 8.17 We consider that in re-publishing the story, the Councillor failed to treat the MO with respect and we are also of the view that a reasonable degree of foresight might have led the Councillor to anticipate the sort of negative comments that the MO may have faced as a result of him publishing the story on the NSL website. We are of the view that the Councillor should have complied with the Protocol when wishing to express his concerns regarding the MO's request, namely paragraph 7.6, which states that if Members have any concerns that an Officer is not acting in a politically neutral manner, they should refer their concerns to the relevant Head of Service or the Chief Executive. The Councillor did not take that course of action, which we find would have been more appropriate in the circumstances.
- 8.18 We bear in mind that the Councillor cannot be held responsible for the behaviour of others on the internet. By republishing the story, however, as we have addressed above, we find that the Councillor undermined the relationship of trust and confidence between himself and the MO. We also note that the Council has a duty to its employees and the actions of Councillors can mean that, in certain circumstances, the Council is vicariously liable for the consequences of actions of Councillors, as per *Moore v Bude-Stratton [2000] 3 WLUK 785*, hence the importance of adherence to the Code and associated protocols.
- 8.19 When considering whether the Councillor has brought either his office or the Authority into disrepute by his actions, we again consider the facts alongside the Guidance, which offers useful commentary on page 34, where it states:
- 'In general terms, disrepute can be defined as a lack of good reputation or respectability. In the context of the Code of Conduct, a Councillor's behaviour in office will bring their **role** into disrepute if the conduct could reasonably be regarded as either:*
- *reducing the public's confidence in them being able to fulfil their role; or*
 - *adversely affecting the reputation of your authority's councillors, in being able to fulfil their role.*
- Conduct by a councillor which could reasonably be regarded as reducing public confidence in their local authority being able to fulfil its functions and duties will bring **the authority** into disrepute.*
- For example, circulating highly inappropriate, vexatious or malicious e-mails to constituents, making demonstrably dishonest posts about your authority on social media or using abusive and threatening behaviour might well bring the role of councillor into disrepute. Making grossly unfair or patently untrue or unreasonable criticism of your authority in a public arena might well be regarded as bringing your local authority into disrepute'.*
- 8.20 The Model Code also references deceitful or dishonest conduct as potentially bringing the Authority and/or the role of a Councillor into disrepute.
- 8.21 Whilst we do not necessarily accept the Councillor's assertion that his main reason for re-publishing the article on the NSL website was simply to engender debate and comment around a local interest

Bevan Brittan

story, we do not find that his conduct in so doing brought either his role as a Councillor or the Authority into disrepute.

Part 1 Paragraph 1 of the Code - Treating others with Respect - Breach

8.22 For ease of reference Part 1 Paragraph 1 of the Code states as follows:

'Part 1 - General Conduct

2. *You must treat others with respect, including Authority Officers and other elected members.*

8.23 The Complainant states in his Complaint that the Councillor published a story on his campaigning website that *'wilfully calls into question the political neutrality of senior council official Bryn Roberts'*. The Complainant goes on to say that searching the name 'Bryn Roberts North Tyneside' now leads to online articles that trash his reputation.

8.24 The Councillor accepted that he had posted the story in question on his campaigning website NSL on 15 June 2021 and that the story was similar to that which had appeared in the Daily Mail on 14 June. The Councillor stated that in his view national media are much better placed to ensure that content is compliant with all legislation and regulations than he is, therefore it was safest to use the articles exactly as they appear elsewhere. On inspection, the article that appeared on the NSL website is virtually a carbon copy of the story that appeared in the Daily Mail.

8.25 According to the Guidance on the Local Government Association Model Code of Conduct, respect encompasses engaging in robust debate and an expectation that Members will express, challenge, criticise and disagree with views, ideas, opinions and policies. Examples of disrespectful behaviour include occasions when unreasonable or demeaning behaviour is directed by one person against another.

8.26 We find that the republication of the story on NSL does, on balance, demonstrate a failure to treat the MO with respect. In so doing, the Councillor actively pushed the article in the local media and this action by the Councillor is, in our view, likely to undermine the relationship of mutual trust, respect and courtesy between elected Members and Officers, as set out in paragraph 3.1 of the Protocol on Member and Officer Relations ("the Protocol").

8.27 We also find, with reference to paragraph 4.1 of the Protocol that in publishing the article, the Councillor failed to promote a positive relationship between Members and Officers and was, in fact, likely to undermine it, whilst also representing a failure to avoid personal criticism of other Members and Officers. We find that this failure to avoid personal criticism of the MO and associated undermining of the relationship of mutual trust and respect represented a failure to treat the MO with respect.

8.28 The Councillor denies having sent the story to the Guido Fawkes website and there is no evidence available to determine who did so in the first instance.

8.29 Taking the above into consideration, we find that, on the balance of probabilities, the Councillor did breach Part 1 Paragraph 1 of the Code.

Part 1 Paragraph 1 of the Code - Treating others with Respect - Breach

8.30 For ease of reference Part 1 Paragraph 1 of the Code states as follows:

'Part 1 - General Conduct

3. *You must treat others with respect, including Authority Officers and other elected members.*

8.31 The Complainant states in his Complaint that the Councillor published a story on his campaigning website that *'wilfully calls into question the political neutrality of senior council official Bryn Roberts'*.

Bevan Brittan 

The Complainant goes on to say that searching the name 'Bryn Roberts North Tyneside' now leads to online articles that trash his reputation.

8.32 The Councillor accepted that he had posted the story in question on his campaigning website NSL on 15 June 2021 and that the story was similar to that which had appeared in the Daily Mail on 14 June. The Councillor stated that in his view national media are much better placed to ensure that content is compliant with all legislation and regulations than he is, therefore it was safest to use the articles exactly as they appear elsewhere. On inspection, the article that appeared on the NSL website is virtually a carbon copy of the story that appeared in the Daily Mail.

8.33 According to the Guidance on the Local Government Association Model Code of Conduct, respect encompasses engaging in robust debate and an expectation that Members will express, challenge, criticise and disagree with views, ideas, opinions and policies. Examples of disrespectful behaviour include occasions when unreasonable or demeaning behaviour is directed by one person against another.

8.34 The Council's Protocol on Member/Officer Relations, ("the Protocol"), appears on page 244 of the Constitution and is referenced at Part 4 of the Introduction to the Code of Conduct on page 200, where it states:

4. Supporting Protocols and Procedures

'The following documents should be read in conjunction with the Members' Code of Conduct.

• Protocol on Member/Officer relations which sets out the respective roles of Members and Officers and how they should expect to be treated by each other'.

8.35 For ease of reference, the Protocol sets out the following:

3. Respect and Courtesy

3.1 An essential ingredient to the Authority's business being conducted effectively is ensuring mutual respect, trust, courtesy and even-handedness in all meetings and contacts between Officers and Members. This plays a very important part in the Authority's reputation and how it is seen by the public.

4. The Authority's Reputation

4.1 Members and Officers both have an important role in engendering a good reputation for the Authority. In particular they should:

- a) protect and promote the legitimacy of democratic local government;*
- b) promote a positive relationship between Members and Officers and be careful not to undermine it;*
- c) avoid criticism of the Authority when formally representing it; and*
- d) avoid personal criticism of other Members and Officers.*

7. If Members have any concerns that an Officer is not acting in a politically neutral manner, they should refer their concerns to the relevant Head of Service or Chief Executive, or in the case of the Chief Executive the Elected Mayor (see section 14 'Interpretation, complaints and allegations of breaches' below). Allegations that an Officer has not acted in a politically neutral way are serious and could be damaging to his/her reputation.

8.36 The Councillor accepts that he republished the story on the NSL website. We find that, although the Councillor was not the first to publish the story, the republication of it does, on balance, demonstrate a failure to treat the MO with respect. In so doing, the Councillor actively pushed the article in the local media and this action by the Councillor is, in our view, likely to undermine the relationship of mutual

Bevan Brittan 

trust, respect and courtesy between elected Members and Officers, as set out in paragraph 3.1 of the Protocol.

- 8.37 Further, we are of the view that the republication was likely to have given further oxygen to the story locally, as well as providing a new complexion to it, since this was the first time that a Member had published the article, criticising the MO from inside the Authority. We find that to have been significant.
- 8.38 With reference to paragraph 4.1 of the Protocol, we find that in republishing the article, the Councillor failed to promote a positive relationship between Members and Officers and was, in fact, likely to undermine it, whilst also representing a failure to avoid personal criticism of other Members and Officers. We find that this failure to avoid personal criticism of the MO and associated undermining of the relationship of mutual trust and respect represented a failure to treat the MO with respect.
- 8.39 The Councillor denies having sent the story to the Guido Fawkes website and there is no evidence available to determine who did so in the first instance.
- 8.40 The Councillor has also failed to take heed of paragraph 7.6 of the Protocol, which not only required the Councillor to refer any concerns around political neutrality to the Chief Executive, but also references the seriousness and potential damage that such an accusation can cause to any Officer. We find that the reputational damage to an MO when such an accusation is made against them is made more so, given their particular position within the Authority.
- 8.41 Taking the above into consideration, we find that, on the balance of probabilities, the Councillor did breach Part 1 Paragraph 1 of the Code.

Part 1 Paragraph 4 of the Code - Bringing Office or the Authority into Disrepute - No Breach

- 8.42 For ease of reference Part 1 paragraph 4 of the Code states as follows:

'Part 1 - General Conduct

5. *You must not conduct yourself in a manner which could reasonably be regarded as bringing the Authority, or your office as a member of the Authority, into disrepute.*

- 8.43 The commentary in relation to bringing your office or the Authority into disrepute contained in the Guidance on the Local Government Association Model Code of Conduct is set out later in this report.
- 8.44 The Councillor made clear in his interview that he did not agree with the stance taken by the MO in requiring the removal of items from the Conservative Group room and he was of the view that Council Officers were not beyond scrutiny. The Councillor added that by publishing the story on the NSL website, he was inviting debate around a subject that he believed the public should be made aware of.
- 8.45 That said, there are other procedures that the Councillor could and perhaps should have followed under the Protocol if he was unhappy with the Monitoring Officer's position, which states at paragraph 7.6:

'If Members have any concerns that an Officer is not acting in a politically neutral manner, they should refer their concerns to the relevant Head of Service or Chief Executive'.

- 8.46 We find that this would have been more appropriate than the re-publication of the article on NSL. However, the Councillor did not do so and instead opened the matter to the internet, which would, in our view, clearly lead to criticism of the MO.
- 8.47 Irrespective of the Councillor's motivation for the publication of the story on the NSL website, the Local Government Model Code of Conduct states the following in relation to disrepute:

Bevan Brittan

'As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other Councillors and/or your local Authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow Councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the Council, whilst continuing to adhere to other aspects of this Code of Conduct'.

- 8.48 In these circumstances, notwithstanding the fact that there were more appropriate means by which the Councillor could have expressed his concerns around the MO's decision, we do not find the behaviour of the Councillor to be dishonest or deceitful to such a degree that would represent a breach of the Code. Whilst we are of the view that there was a clear political motivation behind the publication of the story on NSL by the Councillor, that does not, in and of itself, bring the Council into disrepute.
- 8.49 Whether and/or the extent to which the Councillor continued to adhere to other aspects of the Code of Conduct is addressed above, in these circumstances 'treating others with respect'.
- 8.50 On the basis of what is set out above, on the balance of probability, the Councillor did not breach Part 1 Paragraph 4 of the Code.

9 SANCTIONS AND RECOMMENDATIONS

- 9.1 As the Council will be aware, section 28(11) of the Localism Act 2011 states that:

If a relevant authority finds that a member or co-opted member of the authority has failed to comply with its code of conduct (whether or not the finding is made following an investigation under arrangements put in place under subsection (6)) it may have regard to the failure in deciding—

- (a) *whether to take action in relation to the member or co-opted member, and*
- (b) *what action to take.*

- 9.2 The Localism Act 2011 does not prescribe what that action might be, or in other words what sanctions are available upon a finding that a breach of the Code has occurred.
- 9.3 The case of *R (Taylor) v Honiton Town Council [2016] EWHC 3307 (Admin)* ("the Honiton case") provides some guidance as to available sanctions, and the following excerpts from paragraphs 39 to 43 of the judgment are applicable:

39. *...Parliament clearly contemplates that a relevant authority may take "action" following a finding of non-compliance with a code, and does not seek to define or limit what action that may be. The abolition of the old regime carries with it, as Hickinbottom J observed, the abolition of the power to disqualify and suspend but otherwise the powers appear to be undefined, at least where the breach does not involve any impropriety in relation to pecuniary interests...*

40. *...Provided that it is lawful, which in this context includes fully respecting the important right to freedom of expression enjoyed by members of local authorities in the interests of effective local democracy, a sanction may be imposed which requires a member of a local authority to do something. It must be proportionate to the breach. In Bank Mellat v HM Treasury (No 2) [2014] AC 700, the test of proportionality was stated as follows by Lord Sumption JSC at 770, para 20, I as follows:*

"the question depends on an exacting analysis of the factual case advanced in defence of the measure, in order to determine (i) whether its objective is sufficiently important to justify the limitation of a fundamental right; (ii) whether it is rationally connected to the objective; (iii)

Bevan Brittan

whether a less intrusive measure could have been used; and (iv) whether, having regard to these matters and to the severity of the consequences, a fair balance has been struck between the rights of the individual and the interests of the community. These four requirements are logically separate, but in practice they inevitably overlap because the same facts are likely to be relevant to more than one of them."

41. *...The existence of a code of conduct is regarded by Parliament as an important aspect of the maintenance of standards. It appears to me to be proportionate to a significant breach of it for a relevant authority to require the person in breach to be trained in its meaning and application. There is no point in having a code of conduct if members of the authority are not aware of its meaning and effect and where a member has demonstrated by his conduct that this is the case, a reasonable amount of training appears to be a sensible measure. A local authority should be able to require its members to undertake training which is designed to enable them to fulfil their public functions safely and effectively.*
42. *It was reasonably open to the decision maker to conclude that this was a serious breach of the Code. There is no finding as to the claimant's motives and it may be that he acted in good faith, believing that his statement about the Town Clerk was justified. However, it was not. He accused her of criminal conduct when there was not the slightest justification for doing so. This was a very serious error of judgement. Therefore, a requirement of training was proportionate.*
43. *...I consider that it is open to a relevant authority exercising its power as contemplated by s.28(11) to take action following a failure to comply with a code of conduct to require the member to undertake training. That decision will usually be published and it will be open to the authority to publish what happens as a result of the requirement.*
- 9.4 The rationale from the Honiton case is that a sanction can be imposed that requires a Member found in breach of the Code to do something. In the Honiton case the requirement to undertake training was held to be lawful and proportionate following what the Court described as a "significant breach". We would also point out that the word 'sanction' is not used in the Localism Act 2011. We are of the view that 'sanction' denotes a form of punishment, whereas 'action' is much wider and incorporates what we would describe as 'measures', being actions with the purpose of complying with duties and for protecting third parties for example. In other words the focus of a 'measure' is not about punishment.
- 9.5 Whilst it is not prescribed what 'actions' can be taken, the Council is, in our view, under other duties, such as those contained within the Health and Safety at Work Act 1972, which require it to put measures in place to protect employees and other persons who may be affected by their functions. Further, the Council is subject to the provisions of the UK GDPR and the Data Protection Act 2018, as well as multiple duties of confidentiality and trust.
- 9.6 In the circumstances of this Investigation there has been a breach of the Code and we consider that it would be a fair and proportionate outcome for the Councillor to:
- 9.6.1 Apologise to the MO for his part in the distress caused to him and personally acknowledge the inappropriateness of the republication of the story on the NSL website. The apology should be sent to the Deputy Monitoring Officer for approval prior to being sent to the MO and must be sent prior to a specified deadline.

10 COMMENTS ON DRAFT

- 10.1 A draft version of this Report was provided to both the Complainant and the Councillor for comment prior to being finalised.
- 10.2 The Complainant responded to the draft report by email, in which he stated the following:
- 'Dear Mark*
- Thank you for sending me a copy of this draft report. I am satisfied with its contents and conclusions.*

Bevan Brittan 

Best wishes,

Councillor Matt Wilson

10.3 The Councillor also responded to the draft Report by email, in which he stated:

'Hi Both,

Many thanks for this, please see my response below.

As I have made clear in several submissions the North Shields Life website is run by a number of people, references in this report to 'his website' are therefore inaccurate as this is a joint endeavour. With regard to the republication of the story this was already in the public domain through the national press, the North Shields life article will not have substantially increased its reach. I do not agree that the republication of the article has undermined the member - officer relationship, or that the republication was disrespectful to the officer in question, however if that is the view of the officer I am happy to offer an apology. It is also worth noting that had an apology been requested at the beginning of this process it would have been given and saved a lot of time and taxpayer money.

I would however make the point that officers too are public servants and while politically neutral, their actions should be held to the same high standards. They cannot be beyond reproach.

Best

Liam'

11 NEXT STEPS

11.1 Paragraph 8 of the Arrangements, (annexed at Schedule 3), states:

'8. What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?'

a. Local Resolution

Where the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct, there may still be an opportunity for local resolution, avoiding the necessity of a hearing. An investigation report may cause a member to recognise that his/her conduct was at least capable of giving offence, and /or identify other appropriate remedial action, and the Complainant may be satisfied for instance, by recognition of fault or an apology. It would only be appropriate for the Monitoring Officer to agree a local resolution at this stage after consultation with one of the Authority's Independent Persons and the Chair of the Standards Committee. In addition this would be conditional on the Complainant being satisfied with the outcome. A summary report on any local resolution of a complaint would be reported to the Standards Committee for information.

b. Referral for Hearing

If local resolution was not possible, the Monitoring Officer will then refer the matter for a hearing before the Committee/Sub-Committee'.

Bevan Brittan LLP
February 2022

Bevan Brittan 

SCHEDULE 1 - COMPLAINT

BB Confidential



North Tyneside Council

Code of Conduct for Members and Co-opted Members of North Tyneside Borough Council

COMPLAINT FORM

This form can be either completed by hand and posted to the Monitoring Officer, or completed on a computer. If it is completed on a computer it can either be e-mailed to the Monitoring Officer, or printed and then posted. Address details are found at the end of the form.

What this form is for

This form is for registering a complaint that an Elected Member or Co-opted Member of North Tyneside Council has breached the Code of Conduct as adopted by the Authority with affect from 1 July 2012. This form can be found on the Standards Committee page of the North Tyneside Council website (www.northtyneside.gov.uk) [Complain against a councillor.](#)

The points listed below will help you decide whether this is the correct form to use when making your complaint.

- Your complaint must be about conduct that occurred while the member(s) complained about were in office. Conduct of an individual before they were elected, co-opted or appointed to the Council, or after they have resigned or otherwise ceased to be a member, cannot be considered.
- The Code of Conduct came into effect on 1 July 2012. If your complaint concerns matters that occurred before this date you should contact the office of the Monitoring Officer before making your complaint.
- Your complaint must be about one or more named members of North Tyneside Council.
- Your complaint must be that the member(s) has, or may have, breached the Code of Conduct.
- Complaints about dissatisfaction with a decision or action of the Authority or one of its committees, a service provided by the Authority or the Authority's procedures do not fall within the jurisdiction of the Standards Committee. Complaints about the actions of people employed by the Authority also do not fall within the jurisdiction of the Standards Committee.

If your complaint does not meet these criteria you should make use of the Council's Corporate Complaints Procedure by contacting:

Customer and Member Liaison Office
Quadrant
The Silverlink North
Cobalt Business Park
North Tyneside
NE27 0BY
Tel: 0191 643 2280
CMLQ@northtyneside.gov.uk

Explanation of the Complaints Process

Complaints against Members of the Council are the responsibility of the Authority's Standards Committee. Complaints must be made in writing to the Monitoring Officer.

The first stage of the process is that normally within 28 days of receipt the Authority's Monitoring Officer will consider your complaint. It is not the task of the Monitoring Officer to consider whether or not the Member concerned has broken the Code of Conduct. Rather, he/she will decide whether the matter warrants referral for investigation or other action. Only if the matter is referred for investigation will the substance of the complaint be considered and a decision made about whether or not the Code has been breached.

The Monitoring Officer will decide:

1. whether the allegation, if proven, would constitute a failure to observe the Code of Conduct;
2. if it would constitute such a failure, whether the allegation is to be investigated. This decision will be guided by the Council's Assessment Criteria. The Assessment Criteria are available from the Monitoring Officer;
3. where the decision is not to investigate the allegation, whether to direct the Monitoring Officer to pursue an alternative course of action such as training for the Member concerned or conciliation between the complainant and the Member.

The Monitoring Officer will produce a summary of his decision, and to send it to the complainant and to the Member concerned unless to do so would in his/her opinion prejudice a subsequent investigation.

If an allegation is considered to require investigation, the matter will be referred by the Monitoring Officer for the investigation of the allegation.

Following the completion of an investigation into an allegation, unless the complaint can be resolved informally, the Council's Standards Committee will meet to consider the allegation and the findings of the investigation.

If the allegation is upheld and a breach of the code of conduct is found the Standards Committee have a range of sanctions available to them.

Any queries regarding the Complaints process should be directed to the Monitoring Officer at the address at the end of this form.

Making Your Complaint

1. Please provide us with your name and contact details

Title:	Cllr
First name:	Matt
Last name:	Wilson
Address:	[REDACTED]
Daytime telephone:	[REDACTED]
Evening telephone:	[REDACTED]
Mobile telephone:	[REDACTED]
Email address:	[REDACTED]

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

However, we will tell the following people that you have made this complaint:

- the Member(s) you are complaining about
- the Council's Independent Person(s) with whom the Monitoring Officer must consult before deciding whether the matter warrants referral for investigation or other action.
- the Standards Committee

We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it. If you have serious concerns about your name and a summary or details of your complaint being released, please complete section 5 of this form.

2. Please tell us which complainant type best describes you:

- Member of the public
- An elected or co-opted Member of an authority
- Member of Parliament

- Monitoring Officer
- Other council officer or authority employee
- Other ()

3. Please provide us with the name(s) of the Member(s) of North Tyneside Council whom you believe has breached the Code of Conduct:

Title	First name	Last name
Cllr	Liam	Bones

4. Please explain in this section (or on separate sheets) what the Member has done that you believe breaches the Code of Conduct. If you are complaining about more than one Member you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is very important that you provide all the information you wish to have taken into account by the Monitoring Officer when he/she decides whether to take any action on your complaint. For example:

- You should be specific, wherever possible, about exactly what you are alleging the Member said or did. For instance, instead of writing that the Member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

On the 15th June 2021 Cllr Bones published a manipulated story on his campaigning website that wilfully calls into question the judgment and political neutrality of senior council official Bryn Roberts, Head of Law and Governance. <https://www.northshieldslife.co.uk/news/council-demands-tories-take-down-the-union-jacks>

The story is written to deliberately lead the reader to the conclusion that Mr Roberts has banned the display of the Union Flag on council premises. This is an evidently false position given that the Union Flag is proudly flying outside the main entrance to the council's offices 365 days a year.

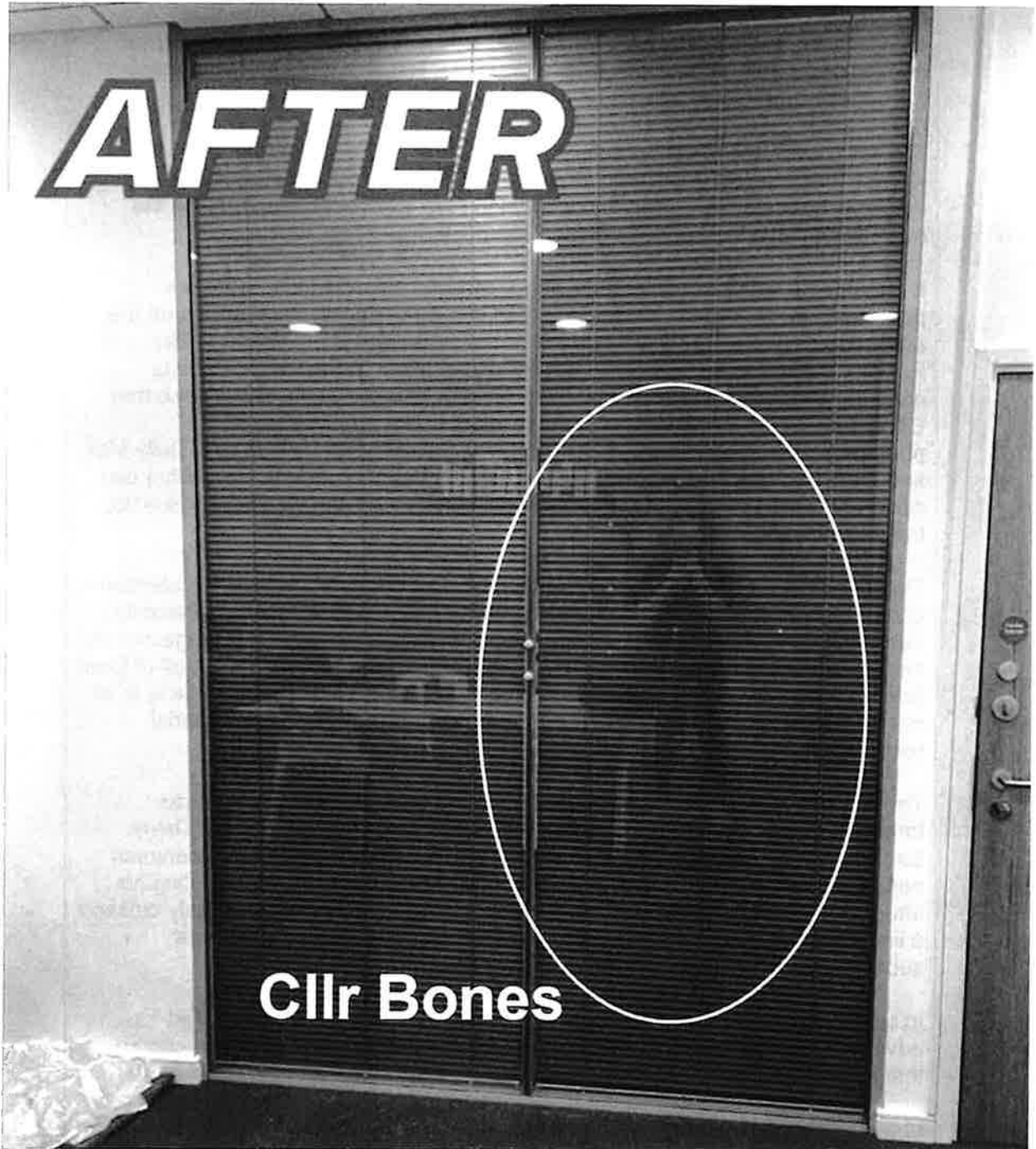
It ought to be noted that the article bears considerable similarity to stories published on the website of the Daily Mail, the Daily Express and others on the same day. The damage this has done to the professional reputation of Mr Roberts is enormous. Searching "Bryn Roberts North Tyneside" now leads immediately to online articles that trash his reputation. By way of evidence that Cllr Bones is also associated with these leaks to the press I enclose a photograph that may also be found on the websites North Shields Life, Daily Mail and Daily Express that shows Cllr Bones taking the photograph. His outline can clearly be seen reflected in the glass of the window, as can his distinctive white training shoes.

The website, North Shields Life, was launched by Cllr Bones during his election campaign, along with a magazine of the same name. The website deliberately has no wording that might associate it with Cllr Bones, however the magazine of the same name did bear the imprint "Promoted by James Bartle on behalf of Liam Bones". There is no doubt in my mind that the North Shields Life website is to all intents and purposes owned and operated by Cllr Bones, who has editorial responsibility for its content.

The website is generally used to publish "fake news" and personal attacks targeted against political opponents of Cllr Bones, most frequently Cllr Davis. Sadly as local politicians we generally have to put up with this kind of personal negative campaigning. However, on this occasion by deliberately targeting his attack at a member of council staff I believe that Cllr Bones has seriously crossed a line and breached the code of conduct that we all as elected members subscribe to.

In addition to creating the article on his website Cllr Bones has used paid-for advertising on Facebook to promote the article, working pro-actively to ensure that it is read by local residents.

I have attached copies of the offending article and the photograph.



15 JUN

Council demands Tories take down the Union Jack



North Tyneside Council has come under fire after it demanded that Tory councillors took down Union Jack flags that were decorating the party's Group Room in the council building.

Bryn Roberts, head of Law and Governance at North Tyneside Council, allegedly deemed the flags 'not appropriate' in a message sent to Councillor Sean Brockbank, leader of North Tyneside Conservatives.

He reportedly wrote: 'Hi Councillor Brockbank - whilst delivering post today, it was noted that the above pictures, together with a quantity of Union Flag bunting, has been erected in the Conservative Group Room.

'This is not an appropriate use of the room (and risks becoming an overtly political matter in an apolitical venue), so I will make arrangements for them to be removed at the end of the day.'

16/06/2021

Council demands Tories take down the Union Jack — North Shields Life

The council official continued: 'I would be grateful if you could reinforce to your group that the facility is provided within a publicly funded building and, as such, should not be used in this fashion. Kind regards, Bryn.'

A spokesperson from North Tyneside Conservatives said: 'The Union Flag is part of our national identity and is indeed flown in government buildings up and down the country - it is astonishing that this is not allowed in North Tyneside.

'The flag is one of the most recognisable symbols of the UK across the world, people look to it as a sign of hope and freedom - we firmly believe it should be flown, and indeed displayed with pride.'

**Councillor left red
faced after not
knowing her ward** >

Only complete Section 5 if you are requesting that your identity be kept confidential.

5. In the interests of fairness and natural justice, we believe Members who are complained about should be informed of who has made the complaint and be provided with a summary of the complaint. We are unlikely to withhold your identity or the details of your complaint other than in exceptional circumstances.

The Monitoring Officer will consider the request for confidentiality as a preliminary matter before the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

Additional Help

6. Complaints must be submitted in writing. Electronic submissions are permissible. However, in line with the requirements of equalities legislation, we can make reasonable adjustments to assist you if you have an impairment that prevents you from making your complaint in writing.

We can provide information in other languages and in different formats, such as large print. An interpreter/translator service is also available if English is not your first language. If you have any problems in reading or writing, or need any support in completing this form, let us know. We can also help you find independent advice if needed.

If this applies to you please contact the office of the Monitoring Officer at the address given below.

The completed form should be sent to:

The Monitoring Officer
North Tyneside Council
Quadrant
The Silverlink North
Cobalt Business Park
North Tyneside
NE27 0BY

Email: standards@northtyneside.gov.uk

Bevan Brittan 

SCHEDULE 2 - CODE OF CONDUCT FOR MEMBERS

BB Confidential

North Tyneside Council

Code of Conduct for Elected Members and Co-opted Members

North Tyneside Council (“the Authority”) has adopted the following code which has effect from 4 July 2012 and which sets out the conduct that is expected of elected and co-opted members of the Authority when they are acting in that capacity.

This means the code applies whenever you (a) conduct the business of the Authority (including the business of your office as an elected councillor or co-opted member) or (b) act, claim to act or give the impression you are acting as a representative of the Authority.

‘Co-opted member’ means any person who is a member of any committee or sub-committee of the Authority with a right to vote but who is not one of its elected members.

The code is intended to be consistent with Nolan’s Seven Principles of Public Life, and should be read in the light of those principles, namely that Authority Members will act with selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Those Principles are not part of this Code but are set out in full at Annex 1 for information.

Part 1 - General Conduct

1. You must treat others with respect, including Authority officers and other elected members.
2. You must not bully any person (including specifically any Authority employee) and you must not intimidate or improperly influence, or attempt to intimidate or improperly influence, any person who is involved in any complaint about any alleged breach of this code of conduct.
3. You must not do anything which compromises or is likely to compromise the impartiality of anyone who works for or on behalf of the Authority.
4. You must not conduct yourself in a manner which could reasonably be regarded as bringing the Authority, or your office as a member of the Authority, into disrepute.
5. You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person any advantage or disadvantage.
6. You must comply with any Protocol adopted by the Authority which seeks to regulate the conduct of its elected members or co-opted members and which the Authority has specifically declared should fall within the

provisions of this code of conduct and which is listed in Annex 4 to this Code.

7. When using or authorising the use by others of the resources of the Authority, you must act in accordance with the Authority's reasonable requirements (as set out in such protocol as it may adopt from time to time for these purposes) and must ensure they are not used for party political purposes.
8. You must not prevent, or attempt to prevent, another person from gaining access to information to which they are entitled by law.
9. You must not disclose information which is given to you in confidence, or information which you believe or ought reasonably to be aware is of a confidential nature, unless:
 - (a) You have the consent of a person authorised to give it; or
 - (b) You are required by law to do so; or
 - (c) The disclosure is made to a third party for the purpose of obtaining professional advice, provided that the third party agrees not to disclose the information to any other person; or
 - (d) The disclosure is reasonable and in the public interest and made in good faith.
10. Where you have been involved in making any decision by the Authority which is subsequently subject to scrutiny by an Overview, Scrutiny and Policy Development committee of the Authority, you must not take part in that scrutiny process except to the extent you may be invited by the committee to give evidence to, or otherwise assist, it. In this paragraph, 'scrutiny' means the formal examination of a policy or decision previously approved or taken by or on behalf of the Authority in order to reach a view as to its merits or effectiveness.
11. You must not do anything that would cause you to breach any equality laws. For example, you must not make sexist and/or racist remarks.
12. You must report any suspicion you have or any intelligence/information you have received on any safeguarding issue regarding children or vulnerable adults, including potential or actual sexual exploitation, to the Authority and where appropriate the Police.

Part 2 - Registration of interests

13. You must register in the Authority's Register of Members Interests information about your registerable personal interests. In this code of conduct 'your registerable personal interests' means:
 - (a) any Disclosable Pecuniary Interest as set out in Annex 2;
 - or
 - (b) any other interest held by you as set out in Annex 3.

You must register information about your registerable personal interests by giving written notice to the Monitoring Officer, who maintains the Register, within 28 days of:

- your appointment as a member of the Authority; and
- any change taking place in your registerable personal interests.

(Note: Failure without reasonable excuse to register a Disclosable Pecuniary Interest is a criminal offence under section 34 Localism Act 2011 as well as being a breach of this code.)

14. Where you think that disclosure of the details of any of your registerable personal interests could lead to you, or a person connected with you, being subject to violence or intimidation, the Monitoring Officer may at your request make a note on the Register that you have a personal interest, details of which are withheld.

Part 3 – Non-registerable interests

15. You will have a non-registerable personal interest when you attend a meeting of the Council or Cabinet, or one of their committees or sub-committees, and you are, or ought reasonably to be, aware that a decision in relation to an item of business which is to be transacted might reasonably be regarded as affecting your well being or financial position, or the well being or financial position of a person described in paragraph 16 to a greater extent than most inhabitants of the area affected by the decision.
16. The persons referred to in paragraph 15 are:
 - (a) a member of your family;
 - (b) any person with whom you have a close association;
 - (c) in relation to persons described in (a) and (b), their employer, any firm in which they are a partner, or company of which they are a director or shareholder.

(Note:

- (a) "A member of your family" means: your partner (i.e. your spouse, civil partner or anyone with whom you live in a similar capacity); your parent or parent-in-law; any child, stepchild or sibling of you or your partner; your grandparent, grandchild, aunt, uncle, nephew or niece; and the partners of any of those people.
 - (b) You have a "close association" with someone if your relationship is such that a reasonable member of the public might think you would be prepared to favour or disadvantage that person when deciding a matter which affects them).
17. When you attend a meeting of the Council or Cabinet, or one of their committees or sub-committees, and you are aware that you have a non-

registerable interest in an item of business (as defined in paragraph 15) you must disclose that interest to the meeting before consideration of that item begins or (if later) when you become aware of the interest.

Part 4 - Non-Participation in Authority Business

18. When you attend a meeting of the Council or Cabinet, or one of their committees or sub-committees, and you are aware that the criteria set out in paragraph 19 are satisfied in relation to any matter to be considered, or being considered at that meeting, you must :
 - (a) Declare that fact to the meeting;
 - (b) Not participate (or further participate) in any discussion of the matter at the meeting;
 - (c) Not participate in any vote (or further vote) taken on the matter at the meeting; and
 - (d) Leave the room whilst the matter is being discussed.
19. The criteria for the purposes of paragraph 18 are that:
 - (a) You have a registerable or non-registerable personal interest in the matter which is such that a member of the public knowing the relevant facts would reasonably think it so significant that it is likely to prejudice your judgement of the public interest; and either
 - (b) The matter will affect the financial position of yourself or one of the persons or bodies referred to in paragraph 16 or in any of your register entries; or
 - (c) The matter concerns a request for any permission, licence, consent or registration sought by yourself or any of the persons referred to in paragraph 16 or in any of your register entries.
20. If an Authority function can be discharged by you as a member acting alone and you are aware you have a registerable or non-registerable personal interest in any matter to be dealt with by you in that way which meets the criteria set out in paragraph 19, you shall not deal with that matter in any way (except to enable it to be dealt with by someone else).

(Note: Failure, without reasonable excuse, to comply with paragraphs 18 to 20 in relation to a Disclosable Pecuniary Interest is a criminal offence under section 34 Localism Act 2011 as well as being a breach of this code.)
21. Paragraphs 18 to 20 do not apply if (i) you have a relevant dispensation under section 33 of the Localism Act 2011 or (ii) the matter in question relates to any of the following functions of the Authority:
 - (a) housing, where you are a Council tenant provided the matter does not relate particularly to your tenancy or lease;
 - (b) school meals or school transport, where you are a parent or guardian of a child in full-time education or a parent governor of a school, unless the matter relates particularly to the school your child attends;

- (c) statutory sick pay where you are in receipt of, or entitled to receipt of, such pay;
- (d) an allowance, payment or indemnity given to members;
- (e) any ceremonial honour given to members; and
- (f) setting council tax or a precept under the Local Government Finance Act 1992.

BB Confidential

Annex 1 to Code of Conduct

Nolan's Seven Principles of Public Life

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.

Annex 2 to Code of Conduct

Disclosable Pecuniary Interests

(as defined by Regulations made by the Secretary of State under section 30 Localism Act 2011)

Please Note: The following interests are Disclosable Pecuniary Interests if they are an interest of either (a) yourself, or (b) your spouse or civil partner, or (c) a person with whom you are living as husband and wife, or (d) a person with whom you are living as if you were civil partners (all of whom are referred to as "relevant persons"):-

Employment, office, trade, profession or vocation - Any employment, office, trade, profession or vocation carried on for profit or gain.

Sponsorship - Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out your duties as a member, or towards your election expenses.

This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

Contracts - Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the Authority:

- (a) under which goods or services are to be provided or works are to be executed; and
- (b) which has not been fully discharged.

Land - Any beneficial interest in land which is within the area of the Authority.

Licences - Any licence (alone or jointly with others) to occupy land in the area of the Authority for a month or longer.

Corporate tenancies - Any tenancy where (to your knowledge):

- (a) the landlord is the Authority; and
- (b) the tenant is a body in which the relevant person has a beneficial interest.

Securities - Any beneficial interest in securities of a body where:

- (a) that body (to your knowledge) has a place of business or land in the area of the Authority; and
- (b) either:

- (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Note: In the above descriptions, the following words have the following meanings –

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Annex 3 to Code of Conduct

Other Registerable Personal Interests

The other interests which you must register under paragraph 11(b) of the code are:

1. Any body of which you are a member (or in a position of general control or management) to which you are appointed or nominated by the Authority;
2. Any body which (i) exercises functions of a public nature or (ii) has charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member (or in a position of general control or management);
3. Any person from whom you have received within the previous three years a gift or hospitality with an estimated value of more than £50 which is attributable to your position as an elected or co-opted member of the Authority.

Note: These mean only your interests and not those of your spouse or civil partner

Annex 4 to Code of Conduct

Associated Protocols

The Authority has adopted the following Protocols which are intended to regulate the conduct of its elected members or co-opted members and which the Authority has specifically declared should fall within the provisions of this code of conduct pursuant to paragraph 6 of the code:

[None]

Bevan Brittan 

SCHEDULE 3 - ARRANGEMENTS FOR DEALING WITH STANDARDS COMPLAINTS

BB Confidential

North Tyneside Council

Standards Committee

Code of Conduct for Member and Co-opted
Members

Arrangements for Dealing with Allegations of
Breaches of the Code of Conduct for
Members and Co-opted Members

Standards Committee

Code of Conduct for Member and Co-opted Members

Arrangements for Dealing with Allegations of Breaches of the Code of Conduct for Members and Co-opted Members

1. Context

These arrangements set out how the Authority will deal with a complaint that an elected or co-opted member of the Council, has failed to comply with the Authority's Code of Conduct.

Under Section 28(6) and (7) of the Localism Act 2011, the Authority must have in place "arrangements" under which allegations that a Member or Co-opted Member of the Council or a Committee or Sub-Committee of the Council, has failed to comply with Code of Conduct can be investigated and decisions made on such allegations. Such arrangements must provide for the Authority to appoint at least one Independent Person, whose views must be sought by the Authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the Authority at any other stage, or a Member or Co-opted Member against whom an allegation has been made. The Authority has appointed three Independent Persons.

2. The Code of Conduct

The Authority has adopted a Code of Conduct for Members and Co-opted Members, which that is attached as Appendix 1 to these arrangements and which is available for inspection on the Authority's website. It is incorporated into the Authority's Constitution.

3. Receipt of a complaint

A complaint against a Member or Co-opted Member will be sent by the Complainant in writing or by email to –

The Monitoring Officer
Law and Governance
Quadrant,
Silverlink North,
Cobalt Business Park,
North Tyneside,
NE27 0BY

Or – standards@northtyneside.gov.uk

The Monitoring Officer is the senior officer of the Council who has statutory responsibility for maintaining the register of members' interests and who is responsible for administering the system in respect of complaints of member misconduct.

In order to ensure that the Authority has all the information which it needs to be able to process a complaint, the complaint form at Appendix 2 must be completed and submitted. The complaint form is available from the Authority's website.

The Monitoring Officer will acknowledge receipt of the complaint to the Complainant and provide the subject member of the complaint, with a copy of the complaint within 5 working days of receiving it, and will keep all parties informed of the progress of the complaint. The Monitoring Officer will also seek comments from the subject member of the complaint to assist in the initial assessment of the complaint.

4. Request for confidentiality

If a Complainant wants to keep their name and address confidential, they are required to indicate this in the space provided on the complaint form. The Authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

To ensure openness and transparency confidentiality will only be granted in exceptional circumstances and in many instances it would not be practical or possible to investigate a complaint without the identity of the complainant being revealed. If however confidentiality is granted and the complaint proceeds the Monitoring Officer will determine whether or when the subject member will be advised of the complaint and the identity of the complainant. The procedure set out below will be adjusted as appropriate to accommodate the decision of the Monitoring Officer.

Where a request for confidentiality is refused by the Monitoring Officer, the Complainant will be advised of that refusal and will be given the option to withdraw the complaint within 7 working days. If the complaint is withdrawn the matter will be then closed and the subject member will not be informed of the complaint. If the Complainant refuses to withdraw the complaint or does not respond within the specified timescale, then the subject member will be sent a copy of the complaint and the complaint will proceed as set out in paragraph 5 below.

5. Will the complaint be investigated?

The Monitoring Officer will review every complaint received and, after consultation with the Independent Persons and consideration of the initial comments of the subject member decide whether the complaint will be investigated. The decision will be based on whether the allegation, if proved, would constitute a failure to observe the Code of Conduct and the application of the Authority's adopted assessment criteria (attached at Appendix 3). This decision will normally be taken within 28 days of receipt of the complaint. The parties will be advised of the Monitoring Officer's

decision together with the reasons for that decision— subject to any decision on confidentiality arising as referred to above.

Where the Monitoring Officer requires additional information in order to come to a decision, he/she may go back to the Complainant for such information, and may request information from the subject member of the complaint.

If the complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer may refer the complaint to the Police or other regulatory agencies irrespective of a request for confidentiality by the Complainant.

A copy of the Subject Member's initial comments will normally be provided to the Complainant with the assessment decision unless there are particular reasons, in the view of the Monitoring Officer, not to.

6. Informal Resolution

The Monitoring Officer may consider that a complaint can be reasonably resolved informally. In such a case, the Monitoring Officer will consult with one of the Independent Persons, the subject member and the Complainant to seek to agree a fair resolution of the complaint which also helps to ensure high standards of conduct for the future. If the subject member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee for information, but will take no further action.

7. How is the investigation conducted?

If the Monitoring Officer decides that a complaint merits formal investigation, he/she will appoint an Investigating Officer. The Investigating Officer may be another officer of the Council, an officer of another Council or an external investigator.

The Investigating Officer will write to the subject member and will ask them to provide their explanation of events, and to identify what documents or other materials they believe the Investigating Officer needs to see and interview.

The Investigating Officer will decide whether he/she needs to meet or speak to Complainant to understand the nature of the complaint and so that the Complainant can explain their understanding of events and suggest what documents or other materials the Investigating Officer needs to see, and who the Investigating Officer needs to interview.

At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to the subject member and to the Complainant, to give both an opportunity to identify any matter in that draft report which they disagree with or which they consider requires more consideration. A copy of the draft report will also be sent to the Monitoring Officer.

Having received and taken account of any comments which the Complainant or subject member may make on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer.

8. What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

The Standards Committee will review the Investigating Officer's report and, if they are satisfied that the Investigating Officer's report is sufficient and they agree that there is no evidence of a failure to comply with the Code of Conduct, they will instruct the Monitoring Officer to write to the subject member and to the Complainant, notifying both that they are satisfied that no further action is required, and give both a copy of the Investigating Officer's final report.

If the Standards Committee do not agree with the conclusion that there is no evidence of a failure to comply with the Code of Conduct they will refer the matter for a hearing before the Committee or its Sub-Committee.

In considering the report, the Standards Committee/Sub-Committee will consult with the Authority's Independent Persons.

If the Standards Committee is not satisfied that the investigation has been conducted properly, they may ask the Investigating Officer to reconsider his/her report. Upon the receipt of the report back from the Investigating Officer the Committee will consider whether to accept the report or refer it to a hearing.

8. What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

a. Local Resolution

Where the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct, there may still be an opportunity for local resolution, avoiding the necessity of a hearing. An investigation report may cause a member to recognise that his/her conduct was at least capable of giving offence, and /or identify other appropriate remedial action, and the Complainant may be satisfied for instance, by recognition of fault or an apology. It would only be appropriate for the Monitoring Officer to agree a local resolution at this stage after consultation with one of the Authority's Independent Persons and the Chair of the Standards Committee. In addition this would be conditional on the Complainant being satisfied with the outcome. A summary report on any local resolution of a complaint would be reported to the Standards Committee for information.

b. Referral for Hearing

If local resolution was not possible, the Monitoring Officer will then refer the matter for a hearing before the Committee/Sub-Committee.

9. The Hearing

Where the Standards Committee/Sub-Committee has referred a matter for a hearing the procedure at Appendix 4 will apply.

10. What action can the Standards Committee/Sub-Committee take where a Member has failed to comply with the Code of Conduct?

The Council has delegated to the Standards Committee/Sub-Committee such of its powers to take action in respect of individual Members as may be necessary to promote and maintain high standards of conduct.

Accordingly the Standards Committee may –

- (i) Issue a formal censure;
- (ii) Refer the determination findings to full Council for information;
- (iii) Make publication of the determination findings by such means as thought fit;
- (iv) Request Council to remove the member from being the Chair or Deputy Chair of any Committee or Sub-Committee
- (v) Request the subject member's political group to remove them from any or all Committees or Sub-Committees for a specified period;
- (vi) Request the Elected Mayor to remove the member from the Cabinet, if a Cabinet Member, or from particular Portfolio responsibilities;
- (vii) Request the Council to remove the member for a specified time from all or specified outside appointments to which s/he has been appointed or nominated by the Council;
- (viii) Request the Elected Mayor to remove the member for a specified time from all or specified outside appointments to which s/he has been appointed or nominated by the executive.
- (ix) Offer training to the member; or
- (x) Exclude the member from the Council's offices or other premises or facilities, for a specified period and to the extent desirable and so as not to interfere with the democratic process, in particular the member's ability to carry out his or her role as an elected member.

The Standards Committee has no power to suspend or disqualify the subject member or to withdraw or suspend allowances or restrict access to or use of Council facilities so that the subject member is unable to perform your essential role as a councillor.

11. What happens at the end of the Hearing?

At the end of the hearing, the Chair will state the decision of the Standards Committee as to whether you have failed to comply with the Code of Conduct and as to any actions which the Standards Committee resolves to take.

As soon as reasonably practicable after that, the Monitoring Officer in consultation with the Chair of the Committee, will prepare a formal decision notice, and send a copy to you and the Complainant, make that decision notice available for public inspection on the Council's website and, if so directed by the Standards Committee, report the decision to the next convenient meeting of the Council.

12. Review of decisions

Procedures for the review of decisions are set out in Appendix 5.

13. What is the Standards Committee?

The Standards Committee is a politically balanced Committee of Council. It consists of nine Members of the Council who are drawn from each political party. Subject to those requirements, it is appointed on the nomination of party group leaders in proportion to the strengths of each party group on the Council.

The Independent Persons are invited to attend meetings of the Committee and their views are sought and taken into consideration before the Committee takes any decision on whether a Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

The Independent Persons do not, however, have voting rights on the Committee. Their role is an advisory one.

14. Who are the Independent Persons?

The Independent Persons are persons who have applied for the post following advertisement of a vacancy for the role, and are appointed by the Council.

A person does not qualify as "independent", if they are (or at any time in the last 5 years have been) a Member, Co-opted Member or officer of the Council, or if they are a relative or close friend of such a Member, Co-opted Member or officer. "Co-opted" member is defined so as to include current independent members of Standards Committee.

For this purpose, "relative" comprises –

- (a) a spouse or civil partner;
- (b) any person with whom the candidate is living as if they are a spouse or civil partner;
- (c) a grandparent;
- (d) any person who is a lineal descendent of a grandparent;
- (e) a parent, brother, sister or child of anyone in paragraphs (a) or (b);
- (f) any spouse or civil partner of anyone within paragraphs (c), (d) or (e); or
- (g) any person living with a person within paragraphs (c), (d) or (e) as if they were spouse or civil partner to that person.

The Council has three Independent Persons to ensure the availability of an Independent Person for consultation at all appropriate times and to avoid any conflicts of interest arising, as an Independent Person must also be available to be consulted by a Member who is the subject of a misconduct complaint.

15. Revision of these arrangements

The Standards Committee, on the advice of the Monitoring Officer, may depart from these arrangements where it is necessary to do so in order to secure the effective and fair consideration of any matter. The arrangements will also be subject to periodic review by the Council.

BB Confidential

Bevan Brittan 

SCHEDULE 4 - COMPLAINANT INTERVIEW NOTE

BB Confidential

File ref: 102024.8

North Tyneside Council

Standards Investigation - Councillor Matt Wilson -v- Councillor Liam Bones

Interview with Councillor Matt Wilson on 19 October 2021 at 3.15pm

The following is not a verbatim record and is not intended to capture everything that was discussed during the interview. It is intended to be a note of the discussion that captures the key points relevant to the complaint

1. Councillor Matt Wilson (MW) was first elected to North Tyneside Council in May 2019. MW represents the Preston ward and currently holds the following Committee appointments:
 - Chair of Economic Prosperity Sub-Committee
 - Children, Education and Skills Sub-Committee
 - Overview, Scrutiny and Policy Development Committee
2. MW confirmed that since his election he has received training on the Code of Conduct and the Nolan Principles, both of which he is fully conversant with.
3. MW stated that the article submitted with his Complaint was the entirety of the article that appeared on the website 'North Shields Life' (NSL), which is a website controlled by the Subject Member, Cllr Liam Bones (LB). MW pointed out that LB has accepted that both the NSL website and the article '*Council Demands Tories take down the Union Jack*' are his. MW added that NSL first appeared in early 2021 as a campaigning platform for LB.
4. MW said that he had not spoken to the Monitoring Officer (MO) in relation to the Complaint or the effects that the story being seized upon by the National Press have had on the MO. MW is of the view, however, that the conduct of LB, including pushing the story in the public arena, has caused what is, in MW's view, enormous damage to the MO's reputation. MW said that he was annoyed that the MO had been drawn into the argument personally by LB and that, in his view, to do so constituted a breach of the Code.
5. MW said that LB knows that the MO is not in a position to defend himself and as such, his reputation would undoubtedly be tarnished as a result of LB's actions. MW said that a simple search of the MO's name on Google now brought up numerous references to this story and the false impression that it creates in relation to both the Council and the MO. MW said that he was also strongly of the view that LB had a hand in the story being leaked to the press, however, he does not know who contacted Guido Fawkes, which is where MW believes that the story first appeared. MW said that the story then appeared in local and national newspapers, on the NSL website and thereafter was the main subject on Conservative leaflets dropped in the North Tyneside area.
6. MW said that he could not be sure of the exact timeline in relation to the publication of the article across various outlets, but it was his belief that the story first appeared on Guido Fawkes on 14 June and other outlets very quickly ran with it on 14 and 15 June 2021.
7. MW reiterated that he had not had any direct contact with the MO arising out of the media reports, since MW does not know the MO well and he did not want to put the MO in a difficult position. MW said that the assessment of the impact upon the MO was his own view borne out of the circumstances. MW made clear that the issue he had was not with the display of Union flags, but with the failure of LB to keep the MO out of the political argument. MW said that LB could have avoided referring to the MO personally and referred to a 'Council Officer' if he felt that he wanted to carry the political argument forwards and this failure, in MW's view, was a wilful aggravating factor.
8. MW said that he did not see the display of bunting in the Council Offices, since it occurred at a time when he was not regularly attending the building as a result of Covid and continued social distancing. MW said that he understood that the issue at the root of the argument was the use of pictures of former Conservative Prime Ministers, but the flag aspect had been used by LB as a means to forward his

political agenda and he had tarnished the reputation of the MO as a result. MW said that LB had also been using Facebook as a platform to push the story into the media, as that is where MW first saw it. MW also said that the content was marked on Facebook as 'sponsored', meaning that LB has used paid-for advertising in order to circulate the story more widely.

9. MW said that the suggestion that the Council had banned the flying of the Union flag was fundamentally wrong in any event, since the Council flies the flag outside the Council offices and at locations within the offices, 365 days per year. MW repeated his understanding that the issue was to do with a wider display that the Union flag bunting was part of.
10. MW stated that whatever the consequences of the Complaint, he hopes that it sends a message to LB that he must abide by high standards of conduct as a Councillor. MW expressed the view that if all that comes of the Complaint is that LB understands that he must demonstrate those standards of conduct, then it will be a good outcome.

BB Confidential

Private and confidential: subject
to legal professional privilege

Private and Confidential

Bevan Brittan 

SCHEDULE 5 - MONITORING OFFICER INTERVIEW NOTE

BB Confidential

File ref: 102024.8 and 102024.9

North Tyneside Council

Standards Investigation -

And

Standards Investigation - Councillor Matt Wilson -v- Councillor Liam Bones

Interview with Monitoring Officer, Bryn Roberts, on 26 October 2021 at 10.00am

The following is not a verbatim record and is not intended to capture everything that was discussed during the interview. It is intended to be a note of the discussion that captures the key points relevant to the complaint.

1. Mr Bryn Roberts (BR) has been the Monitoring Officer (MO) at North Tyneside Council since February 2019. In June 2021, two Standards Complaints were submitted by Labour Members, one by Councillor Liam Bones and one by Councillor Matt Wilson, in relation to alleged breaches of the Code by opposition Members. Those complaints arise out of the same facts. The Complainants allege that the Subject Members breached the Code through their behaviour following a request by BR to officers that a display containing Union Flags and photographs of former Conservative Prime Ministers be removed from the Conservative group room in the Council Offices.
2. The alleged behaviour is said by the Complainants to have called into question the political neutrality and professionalism of BR. As a result of his proximity to the Complaints, BR is conflicted out of conducting his usual MO role in relation to them. BR has been interviewed in relation to both Complaints and his responses are equally pertinent to both Investigations.
3. BR stated that in June of this year he was notified by a colleague, (who had been delivering post in the Council's Offices), that a display had been put up in the Conservative group room, which included an amount of Union Flag bunting and pictures of Margaret Thatcher and Winston Churchill.
4. BR said that the Council building was not a political venue. In his view, the Council was, of course, a political arena, but the Authority itself, together with its buildings is a politically neutral entity and venue. BR said that had the display just been a string of Union Flag bunting, it would have been less of an issue. The fact that it was part of a wider display which included pictures of Winston Churchill and Margaret Thatcher made it, in BR's view, an overtly political display. BR added that he had in mind the divisiveness of the latter of those two figures in the region when considering the issue.
5. BR said that in recent times the Government has directed that Union Flags be displayed at all Central Government buildings, and recommended this at all Council Offices, which is something that no other previous administration has done. BR said that this was, in his view, probably an attempt to raise national pride in the wake of Brexit, however, it has undoubtedly caused the Union Flag to become more of a political symbol than it had been hitherto. That aside, BR pointed out that the Union Flag has always been flown at the Council Offices. The problem arose here when the Union Flag was used as part of a political display.
6. BR described the Conservative group room as having double-glazed glass walls with blinds contained within them and a door with glass panels in. BR pointed out that the room had to be accessed by Council Officers for the purposes of delivering post, so was not a private room that was hidden from view.
7. BR said that at the time the display was brought to his attention he was working from home, as were many other Officers of the Council. BR said that under normal circumstances he would have had a word with the Leader of the Conservative Group and asked that the display be removed immediately, as it was inappropriate. Since BR was not in the office, he messaged the

Conservative Group Leader, saying that he would arrange to have the display removed. BR said that the items were taken down and placed into a box for the group to collect. It was not a case of taking the items down and disposing of them.

8. In terms of how the situation has made BR feel, he said that all he was trying to do was to do his job and maintain political neutrality. In so doing, BR feels that he has been actively undermined by some of the people that he is acting on behalf of, namely the Members who are the subjects of the Complaints. BR said that whilst it was not the worst bullying he had been subjected to in his career, he referenced the attacks and abusive messages he faced on LinkedIn and said that these had caused him to make changes to the settings of his account to make it less visible. These settings remain in place.
9. BR said that he has had a number of voicemail messages from people who simply wish to shout at him as a result of the situation. The Council's Facebook account now has BR's name set as an 'offensive phrase' so that posts containing his name are automatically taken down and sent to the Correspondence Unit. BR said that this was as a result of the fallout from this issue.
10. BR said that he has received a good deal of support from the Leading Group in the Council, which makes it clear to him that the wider Council have no issue with him or how he has conducted himself in relation to this matter. BR said that he sees himself as reasonably resilient and his main concern is the impact that such matters have on the wider organisation, since these things are an unnecessary distraction that cause a degree of fuss.
11. BR said that he has questioned whether he might have been able to do things differently and perhaps placed more of an emphasis on the fact that the issue with the Union Flag was in the context of the wider display, however, BR is of the view that this would have been seized upon in any event and used for political gain by the same Members.
12. BR said that this issue has become a cause through which the Subject Members are seeking to make a name for themselves, however, it is, in his view, inappropriate for them to have used his name so widely when discussing the matter and speaking to the media. BR said that when Cllr Brockbank was interviewed on local radio about the issue, BR was referred to by the interviewer as 'the Flag Slayer' and this was not something that Cllr Brockbank stepped away from, nor did he suggest that the interviewer refrain from personal attacks. BR said that he is able to isolate the issue and move on, but the Subject Members continue to raise the issue and distribute leaflets, which occurred as recently as September. They seem unable to move on from the disagreement in a professional manner.
13. BR said that in his view, it is not appropriate for Members of the Council to conduct arguments with Officers through the press Social Media. BR said that Members are aware that Officers are targets that cannot fire back. BR added that there was no reason why the Subject Members could not have simply referred to 'a Council Officer' if they genuinely felt so aggrieved they had no alternative but to pursue this issue.

Bevan Brittan 

SCHEDULE 6 - COUNCILLOR INTERVIEW NOTE

BB Confidential

File ref: 102024.8

North Tyneside Council

Standards Investigation - Councillor Matt Wilson -v- Councillor Liam Bones

Interview with Councillor Liam Bones on 2 November 2021 at 2.00pm

The following is not a verbatim record and is not intended to capture everything that was discussed during the interview. It is intended to be a note of the discussion that captures the key points relevant to the complaint.

1. Councillor Liam Bones (LB) was first elected to North Tyneside Council on 6 May 2021. LB represents the Preston ward and currently holds the following committee appointments:
 - Culture and Leisure Sub-Committee
 - Economic Prosperity Sub-Committee
2. LB confirmed that since his election he has received online training on the Code of Conduct and Nolan principles. Whilst he understands there to be further training to come specifically on declarations of interest, he is conversant with the Code and the Nolan principles.
3. LB said that he first became aware of the message sent from the Monitoring Officer (MO) to Councillor Sean Brockbank (SB) when SB shared the message on the Conservative group's WhatsApp account. LB said that he thought this was an incredible position for the MO to have taken because the Conservative group room is for that group and is not used by any other members or officers.
4. LB said that he did not and does not see the Union Flag as a political symbol. LB added that there are a number of newspaper cuttings and political cartoons on display in the room and he did not understand why the Union Flag had been singled out by the MO.
5. LB said that the display, (pictures of the two previous Prime Ministers and the Union Flag bunting), had been taken down without consultation and the items placed in a box in the room. LB said that the proposed action by the group was that the leader of the group, SB, would approach the MO again for clarification as to why there had been an emphasis placed on the Union Flag as a political symbol, which in LB's view, it is not.
6. LB said that he was not sure from memory what had been said between the MO and SB in terms of further contact, but LB said that he had seen some screenshots of conversations either in relation to this Complaint or in relation to another Complaint. LB recalled that SB had communicated to the MO that the group was in some disbelief at the position that the MO had taken, particularly in relation to the Union Flag being removed from the group room.
7. LB recalled that the story first appeared on the Guido Fawkes website on Monday 14 June, however, he did not send the MO's message or the story to the site. LB said that he thought the 'before' picture in the article was Councillor Brockbank's picture and the 'after' picture in the article was LB's. LB said that he had shared the picture on WhatsApp with members of the Conservative group. LB does not know who sent the story to the Guido Fawkes website.
8. LB said that in addition to the flags there were pictures of two former Conservative Prime Ministers, Churchill and Thatcher. LB said he did not view this as unreasonable in the Conservative group room. LB added that it was unlikely that people could have seen anything in the room from outside, since the blinds are almost permanently closed. LB said that there was also a newspaper cutting from the day that Boris Johnson won the last election and a number of political cartoons on the noticeboard, so he did not see why some items had been singled out and others had not. LB confirmed that if you were to face the glass wall from inside the room, the pictures of the former Prime Ministers would have been on the wall behind you.
9. LB said that he understood the argument that the pictures of the Prime Ministers could be seen as political and, in his view, the MO should have separated the Union Flags out from the pictures,

however, LB did not see how any of the items should be a problem in the group room. LB understood that the building itself was politically neutral, but pointed out that the Union Flag flies both outside the building and in some areas inside, including in the Council Chamber. LB said that the Conservative group room door has 'Conservative Group Room' written on it, so he does not see why Conservative materials cannot be displayed.

10. LB said that he viewed the intervention by the Chief Executive (CE) and the message that the CE put out as being a back-track on the MO's original message. LB said that the CE mentioned that informal displays caused damage and increased maintenance costs, which was not something that the MO had mentioned in the initial message. LB said that the CE also sought to emphasise the pictures that were in the room and to separate them from the Union Flags, which was also not how the MO had initially stated the position.
11. LB said that he received a lot of correspondence from constituents expressing outrage at the situation, however, following the intervention of the CE, the matter was left alone, save for Councillor Brockbank dealing with the media as group leader. LB said that in his view, neither he nor anyone else, including SB, had treated the MO disrespectfully or said anything inappropriate. LB said that SB had praised the MO in the media, but had said that on this occasion he felt that the MO had got it wrong. This is a view shared by LB.
12. LB said that he published the article on his website, North Shields Life (NSL) on 15 June, which was the day after it first appeared in Guido Fawkes and the Daily Mail. LB said that the story was already in the public domain and he did not see how his publication of the story on NSL could reach a wider readership or give the matter more prominence than it already had. In explaining why the MO was named personally in NSL, whereas the Conservative spokesperson was referenced as a 'spokesperson', LB said that he had effectively carbon copied the story from other outlets. LB said that national media are much better placed to ensure that content is compliant with all legislation and regulations than he is, therefore it was safest to use the articles exactly as they appear elsewhere.
13. In relation to the naming of the MO in the media, LB said that Council Officers were not beyond scrutiny and the decision that the MO had taken in relation to the Union Flags was something that the public should be made aware of in order to allow debate around it to take place. LB said that some of the contact that the MO has had as a result and the comments that have been made about him were awful, although perhaps inevitable as a result of the media coverage, however, open and frank debate should not be curtailed or shut down because a few people make inappropriate comments.
14. LB said that it was necessary to publish the story on the NSL website because it was a local interest story and it is not often that something so prominent relating to North Tyneside Council garners such media attention. LB added that it was natural for the story to appear on a local news website and that the Complainant in this Complaint had acknowledged that what had appeared in NSL was effectively the same story as had appeared elsewhere, furthering LB's argument that his article could not have caused any further damage to the MO's reputation than had already been caused by national and larger local media outlets. LB said that he found it incredible that the Complainant would view the article being in NSL as more damaging or equally damaging to it having appeared on larger mainstream outlets. LB said that NSL now has a handful of contributors, most of whom are not members of the Council.
15. LB said that the leaflet drop that took place was orchestrated by the local federation's Campaign Manager and it was the federation who produced the campaign leaflets, having seized the opportunity to politically capitalise upon the story. LB said that the delivering of leaflets was part of standard weekend campaigning. LB said that the leaflets referenced the fact that the Union Flag had been cited as a political symbol by the MO, which was wrong. As an opposition LB said that it is their duty to highlight these issues. LB also said that by this time the matter had become more of a political argument, referencing the fact that the Labour-led Council had banned the flag, pointing out that the leaflet did not name the MO anywhere.
16. LB said that the leaflet drop reflected the fact that the CE's statement had not provided the group with a satisfactory explanation for the MO's actions in stating that the Union Flag was a political symbol. The CE's statement was viewed by some in the group as a back-track on behalf of the MO, bringing in matters that had not previously been raised by the MO, such as building damage being caused by

unauthorised displays. LB said that the MO had, on this occasion, got it wrong and the actions taken by the group, in his view, legitimately brought the matter to the attention of the public.

BB Confidential

Private and confidential: subject
to legal professional privilege

Private and Confidential

Bevan Brittan 

SCHEDULE 7 - ARTICLE PUBLISHED ON NSL BY THE SUBJECT MEMBER

BB Confidential

Copy of North Shields Life Article - 15 June 2021

Council demands Tories take down the Union Jack

Jack

15 Jun



North Tyneside Council has come under fire after it demanded that Tory councillors took down Union Jack flags that were decorating the party's Group Room in the council building.

Bryn Roberts, head of Law and Governance at North Tyneside Council, allegedly deemed the flags 'not appropriate' in a message sent to Councillor Sean Brockbank, leader of North Tyneside Conservatives.

He reportedly wrote: 'Hi Councillor Brockbank - whilst delivering post today, it was noted that the above pictures, together with a quantity of Union Flag bunting, has been erected in the Conservative Group Room.'

'This is not an appropriate use of the room (and risks becoming an overtly political matter in an apolitical venue), so I will make arrangements for them to be removed at the end of the day.'

The council official continued: 'I would be grateful if you could reinforce to your group that the facility is provided within a publicly funded building and, as such, should not be used in this fashion. Kind regards, Bryn.'

A spokesperson from North Tyneside Conservatives said: 'The Union Flag is part of our national identity and is indeed flown in government buildings up and down the country - it is astonishing that this is not allowed in North Tyneside.'

'The flag is one of the most recognisable symbols of the UK across the world, people look to it as a sign of hope and freedom - we firmly believe it should be flown, and indeed displayed with pride.'

BB Confidential

Private and confidential: subject
to legal professional privilege

Bevan Brittan 

SCHEDULE 8 - ARTICLE PUBLISHED ON THE DAILY MAIL WEBSITE

BB Confidential

Daily Mail Article - 14 June 2021 at 21:58

Council's law chief demands Tories take down the Union Jacks they decorated their office with because the flags are 'overly political'

- North Tyneside Council official Bryn Roberts demanded Tory office remove flags
- He told councillor Sean Brockbank the 'political' Union Jack flags were an issue
- North Tyneside Conservatives said: 'Union Flag is part of our national identity'

By [MILLY VINCENT FOR MAILONLINE](#)

PUBLISHED: 21:58, 14 June 2021 | UPDATED: 12:44, 20 June 2021

-
-
-
-
-
-
- e-mail
-

1.9k shares

1.6k
View comments

North Tyneside Council has come under fire after it demanded that Tory councillors took down Union Jack flags that were decorating the party's Group Room in the council building.

Bryn Roberts, head of Law and Governance at North Tyneside Council, allegedly deemed the flags 'not appropriate' in a message sent to Councillor Sean Brockbank, leader of North Tyneside **Conservatives**.

Mr Roberts stated that the UK's national flag was 'overtly political' and could not be used as decoration within the council building, **Guido Fawkes** reports.

He reportedly wrote: 'Hi Councillor Brockbank - whilst delivering post today, it was noted that the above pictures, together with a quantity of Union Flag bunting, has been erected in the Conservative Group Room.'

'This is not an appropriate use of the room (and risks becoming an overtly political matter in an apolitical venue), so I will make arrangements for them to be removed at the end of the day.'



+4

[View gallery](#)

BBC



+4

[View gallery](#)

Bryn Roberts of North Tyneside Council, allegedly deemed the flags (left) 'not appropriate' in a message sent to Councillor Sean Brockbank, and had them removed (right)

RELATED ARTICLES

- [Previous](#)

- [1](#)

- [Next](#)



- [The PM should be here, I'm sorry if his dinner would have...](#)



- [Shortening second dose vaccine gap for over-40s getting...](#)

SHARE THIS ARTICLE

Share



Bryn Roberts, North Tyneside Council law chief

The council official continued: 'I would be grateful if you could reinforce to your group that the facility is provided within a publicly funded building and, as such, should not be used in this fashion. Kind regards, Bryn.'

A spokesperson from North Tyneside Conservatives said: 'The Union Flag is part of our national identity and is indeed flown in government buildings up and down the country - it is astonishing that this is not allowed in North Tyneside.'

'The flag is one of the most recognisable symbols of the UK across the world, people look to it as a sign of hope and freedom - we firmly believe it should be flown, and indeed displayed with pride.'