

NORTH TYNESIDE COUNCIL STANDARDS COMMITTEE

(SHORT) HEARING DECISION – FULL DECISION NOTICE TO FOLLOW

Name of Authority:	North Tyneside Council
Member(s) subject of allegation:	Councillor Liam Bones
Complainant(s):	Councillor Matt Wilson
Case Reference Number(s):	NT07.2021-22
Committee Members:	Councillors Frank Lott (Chair), Councillor Lewis Bartoli, Councillor Brian Burdis, Councillor Eddie Darke, Councillor Tracy Hallway, Councillor Janet Hunter, Councillor Wendy Lott
Investigating Officer:	Mr Mark Robinson and Mr David Kitson, Bevan Brittan, Solicitors LLP
Monitoring Officer:	Jacqueline Laughton
Democratic Services Officer:	Joanne Holmes
Time and Date of Hearing:	11:00am Wednesday 7 December 2022

Summary of Allegation

The complainant, Matt Wilson, alleges that:

- 1) The subject member, Councillor Liam Bones, posted what is described as a manipulated story on his campaigning website 'North Shields Life' that wilfully called into question the judgment and political neutrality of the Authority's then Monitoring Officer ("the MO"), Bryn Roberts, who was the Head of Law and Governance:
- 2) The published story caused "enormous damage" to the MO's professional reputation as evidenced by on-line comments made about the MO in that regard:
- 3) The story related to a request from the MO to the then Leader of the Conservative Group, to remove Union Flag bunting and pictures of Winston Churchill and Margaret Thatcher from the Conservative Group room in the Quadrant building.

- 4) Councillor Bones has editorial responsibility for 'North Shields Life' which targets the political opponents of Councillor Bones, usually local politicians but that this story has "crossed the line" by targeting an officer of the Authority:
- 5) Councillor Bones in addition to publishing the story on the 'North Shields Life' website used paid for advertising on Facebook to promote the article so that it was read by as many local residents as possible.

Relevant Paragraph(s) of the Code of Conduct for Elected Members

The relevant paragraphs of the Code are:

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

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

Part 1 Paragraph 4 of the Code – Bringing Office or Authority into Disrepute.

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

References in brackets below are to paragraph numbers referred to in the investigator's report considered by the Committee.

The Committee, following careful consideration of the papers and the submissions made today, finds the following:

Application of the Code

By a majority the Committee found :-

1. The Code of Conduct applies to the issue of the publication of the story on Councillor Bones' campaigning website on 15 June 2021 as he was acting in his capacity as an elected member when he re-published the story. (para 7.8)

Publication of the Story in 'North Shields Life'

2. Members must act and be seen to be acting with the high standards of conduct as holders of public office, and when acting in that capacity. Any judgment that as to whether an elected Member has failed to act accordingly and has breached the Code of Conduct is made on the balance of probabilities (para 8.1)
3. On 3 June 2021 the MO sent a WhatsApp message to former Conservative Group Leader stating that the MO would arrange for the removal of Union Flag bunting and pictures of Winston Churchill and Margaret Thatcher in the Conservative Group Room. (pars 8.6)

4. The MO believed that the display in the Conservative Group Room “risked being an overtly political matter in an apolitical venue” and that when the MO sent the request to remove the materials, he reasonably believed that he was doing his job and maintaining political neutrality. (para 8.6)
5. The MO’s WhatsApp message sent to former Conservative Group Leader was shared by the former Group Leader with the Conservative Group members. (para 8.8)
6. A Photograph of the Group Room with the bunting in place was taken by former Councillor Brockbank and the photograph taken after the removal of the bunting and pictures was taken by Councillor Bones. Those photographs appeared in various media outlets including the ‘North Shields Life’ website. (para 8.8)
7. Neither Councillor Bones nor the former Group Leader accepted responsibility for the “leaking” of the original story to the media. (para 8.9)
8. The Committee cannot ascertain who “leaked” the story to the media, but it is reasonable to suggest that it was someone within the Conservative Group with whom the MO’s WhatsApp message was shared by the Group Leader.
9. It is not disputed that Councillor Bones re-published the story about the MO’s request to remove the Union Flag bunting and pictures of the former Prime Ministers on the ‘North Shields Life’ website on 15 June 2021, the day after the story first appeared in the national media. (see the Investigator’s note of interview with Councillor Bones)
10. Councillor Bones did not introduce the story into the public arena but in re-publishing the story “exacerbated the situation” and was likely to be contrary to the Member/Officer Relations Protocol. (para 8.11)
11. Councillor Bones “candidly accepted” that he did not agree with the stance taken by the MO in relation to the Union Flag and that the reason for his re-publication of the story in the ‘North Shields Life’ website was because it was “a local public interest story” and that there should be debate on the MO’s decision. (para 8.12)
12. It was more likely that Councillor Bones re-published the story on the ‘North Shields Life’ website for political gain and that in doing so he failed to show mutual respect and courtesy towards the MO or promote a positive relationship between Members and Officers and avoid personal criticism of the MO in accordance with the Authority’s Protocol on Member/Officer Relations (para 8.14)
13. The re-publication of the of the story in the ‘North Shields Life’ website was tantamount to criticism of the MO from “inside the Authority”. (para 8.16)

14. Any concerns that Councillor Bones had about the political neutrality of the MO because of the MO's decision to remove the Union Flags and pictures from the Conservative Group Room should have been raised with the Chief Executive in accordance with paragraph 7.6 of the Member/Officer Relations Protocol rather than re-publishing the story appearing on the 'North Shields Life' website. (paras 1.23 – 1.24)
15. The fact that Councillor Bones was able to re-publish the story on the 'North Shields Life' website shows that he has control over what material appears on that website, whether he operates the website alone or with the assistance of others.

Finding as to whether there has been a failure to follow the Code of Conduct

The Committee unanimously finds that Councillor Bones has not breached the following paragraph of the Code of Conduct for Elected Members:

Part 1 Paragraph 4 of the Code - 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.

The Sub-Committee by a majority finds that Councillor Bones has breached the following paragraph of the Code of Conduct for Elected Members:

Part 1 Paragraph 1 of the Code – You must treat others with respect, including Authority Officers and other elected members.

Sanctions

The Sub-Committee unanimously determines that:

- A letter of apology should be sent to the former Monitoring Officer by Councillor Bones and that the letter should be supplied to, and agreed with the Monitoring Officer, (or in her absence one of her team) before it is sent to the former Monitoring Officer; and
- Councillor Bones should undertake training on the Member/Officer Relations Protocol, such training to be arranged by the Monitoring Officer.

In reaching its decision the Committee took into account the views of the Independent Persons.

If a review of the decision of the Committee is sought, the decision will be held in abeyance until that review is complete.