

Standards Committee

Wednesday, 7 December 2022

Present: Councillor F Lott (Chair)
Councillors T Hallway, L Bartoli, B Burdis, E Darke,
Janet Hunter and W Lott

In attendance: Mr D Entwisle – Independent Person

Apologies: Councillors D Cox and W Samuel, Dr S Green, Mrs K Roffe

SC6 /22 Appointment of Substitute Members

There were no substitute members.

SC7 /22 Declarations of Interest and Dispensations

There were no Declarations of Interest or Dispensations reported.

SC8 /22 Exclusion Resolution

The Standards Committee was required to consider any representations from the Investigating Officer and/or the Member as to why the Committee should exclude the press and public under the following terms:

“That under Section 100A(4) of the Local Government Act 1972 (as amended) and having applied a public interest test as defined in Part 2 of Schedule 12A of the Act, the press and public be excluded from the meeting for items 5-9 of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 1 and 5 of Part 1 of Schedule 12A to the Act.”

Cllr Bones requested that the press and public be excluded for these items as some of the information is not currently in the public domain and he also had concerns about any further media coverage that could impact on individuals who are named in the report but are not part of the local authority.

The Investigating Officer was asked for his view and he stated that he had no objections to the press and public being excluded for these items as the matter had not yet been determined and a public statement of the decision would be made available once the matter was decided.

The Chair noted that the items contained exempt information under paragraph 1 of part 1 of Schedule 12A to the Act and there was a requirement for the Committee to apply a public interest test and decide whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

On considering the Exclusion Resolution, the Committee voted by 6 votes in favour and 1

vote against to proceed with the hearing in public.

Resolved: that the Committee hearing proceed in public and the agenda papers be made available.

**SC9 /22 Code of Conduct for Members' and Co-opted Members - complaint
NT07.2021-22**

The Standards Committee received a report which presented the Investigating Officer's completed investigation report in relation to an alleged breach of the Members' Code of Conduct in relation to Complaint NT07/2021-22.

The Authority's Local Arrangements for the consideration of complaints made against Members under the Code of Conduct for Members and Co-opted Members, required that a completed investigation report be received by the Standards Committee/Standards Sub-Committee to determine the action to be taken with respect to the Complaint.

The Committee considered:

1. Summary of Allegations

The complainant, Cllr M 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.

2. Relevant Paragraph(s) of the Code of Conduct

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.

3. Conduct of the Hearing

The Investigating Officer had found in his report that breaches of the Code of Conduct had occurred in relation to the above Complaint.

The Committee examined the Investigating Officer's report.

The Committee asked questions of the Investigating Officer in relation to his report.

The Committee heard representations from the Member and asked questions of the Member.

In its deliberations in private, the Committee, having read the papers and heard from both the Investigating Officer and the Subject Member, carefully considered whether one or more breaches of the Code of Conduct had occurred. In reaching its decision the Sub-Committee took into account the views of the Independent Person.

5. Findings of Fact

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

The Sub-Committee made the following findings of fact:

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 republishing 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 republication 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 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.

6. Findings as to whether there had been a failure to follow the Code of Conduct

The Investigating Officer's report found that there was evidence of a breach of paragraph 1 of the Code. The report also found that there was no breach of paragraph 4 of the Code.

The Committee unanimously found that Councillor Bones had 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.

In reaching this determination the Committee took into account that the behaviour of Councillor Bones was not considered to be dishonest or deceitful to such a degree that would represent a breach of the Code, and although there was a clear political motivation behind the publication of the story by Councillor Bones, that does not, in and of itself, bring the Council into disrepute.

The Committee, by a majority, found that Councillor Bones had 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.

In reaching this determination the Committee considered that, in republishing the article on the North Shields Life website, Councillor Bones failed to treat the Monitoring Officer with respect, failed to promote a positive relationship between Members and Officers, and failed to take heed of paragraph 7.6 of the Member/Officer relations which required the Councillor to refer any concerns around political neutrality to the Chief Executive, and also references the seriousness and potential damage that such an accusation can cause to any officer.

7. Sanctions

The Sub-Committee considered what sanction, if any, to set in relation to the breach of the Code of Conduct identified above.

In reaching its decision the Sub-Committee considered all the relevant circumstances, together with the verbal comments made by the Investigating Officer and the Member at the meeting. The Sub-Committee also took account of the views of the Independent Person.

It was noted that Councillor Bones had previously offered to write a letter of apology to the former Monitoring Officer, although this apology had been qualified in that he did not accept that he was in breach of the code. Councillor Bones had also indicated that he would be willing to accept training on the Member/Officer protocol.

Following discussion it was considered that Councillor Bones should make a written apology to the former Monitoring Officer and that this should be facilitated via the Monitoring Officer. It was also considered that Councillor Bones should undergo training on the Member/Officer protocol arranged by the Monitoring Officer.

It was Resolved that:

- (1) Councillor Bones be requested to provide a letter of apology to the former Monitoring Officer 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
- (2) Councillor Bones be requested to undertake training on the Member/Officer Relations Protocol, and such training to be arranged by the Monitoring Officer.
- (3) the Monitoring Officer be instructed to publish the Formal Written Notice of the Committee's decision on the Authority's website.

This was a unanimous decision of the Committee.

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

SC10 /22 Members Code of Conduct Introductory Report

SC11 /22 Appendix A - Hearing Procedure

SC12 /22 Appendix B - Pre-hearing Process Summary

SC13 /22 Appendix C: Investigating Officer's Report (Amended Final Version)

SC14 /22 Exclusion Resolution

The Committee considered the Exclusion Resolution.

Resolved: that under Section 100A(4) of the Local Government Act 1972 (as amended) and having applied a public interest test as defined in Part 2 of Schedule 12A of the Act, the press and public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 1 and 5 of Part 1 of Schedule 12A to the Act.

SC15 /22 Information Report - Allegation of a Breach of the Members' code of conduct NT09.2021-22

The Committee considered the report and information set out as items 10 – 13 of the Agenda in relation to allegation of a breach of the Members' Code of Conduct NT09.2021-22.

Resolved: that the Committee note the report.

SC16 /22 Appendix A - Final Standards Investigation Report

SC17 /22 Appendix B - Updated Report

SC18 /22 Appendix C - NT09.2021-22 - Advice Note - Application of Code