

## ANALYSIS OF 99 STANDARDS BOARD

### PUBLISHED CASE SUMMARIES

*NB: The attached table is an analysis of published case summaries which should be consulted as a definitive guide. This table is intended to give a broad indication only as to the nature of allegations and investigation conclusions in 2002.*

No	Alleged Breach of Code	Nature of Allegations	Outcome	U – Unitary D – District Council C – County P - Parish Council
1	Disrespect Disrepute	Shouting slanderous and Insulting comments outside local school.	In absence of S.66 Regulations NFA	D
2	Disrespect Breach of confidentiality Improper Advantage Compromise impartiality Misuse of resources	Published letter in press alleging ill informed planning decision.	Part of cut and thrust of democratic debate – no evidence of failure.	D
3	Disrespect	Use of word “plonker” to a fellow councillor at meeting.	Breach but no S.66 Regs. Therefore NFA.	D
4	Disrespect Disrepute	Swore at adult and children on local football pitch.	Not in official capacity therefore no breach.	P
5	Compromise impartiality Improper advantage.	Sought to obtain accommodation for constituents above the interests of others.	No undue effect on procedures – in keeping with role of councillor. No evidence of breach.	D
6	Failure to declare.	Failure to declare interest at council meeting relating to his claim for legal expenses.	Should have declared but consequences minimal. NFA.	D
7	Failure to register.	Failure to complete register.	Also failure to sign up to the Code and removed from office. NFA.	P

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8	Disrespect Disrepute	Local dispute over parking – insulting behaviour.	Not a campaign of victimisation. NFA.	P
9	Disrespect Disrepute	Comments at Committee about applicants dishonesty.	NFA following apology in press.	D
10	Disrespect Disrepute	Swearing in telephone conversation.	Not related to Council business and in private capacity. No evidence of failure.	P
11	Disrespect Disrepute	Aggressive behaviour towards Council officer following home inspection.	In absence of regulations. NFA in spite of failure.	
12	Disrespect Disrepute	Reference to “undesirables” at planning meeting.	No breach.	P
13	Disrepute	Installing wooden seat “in memory of ... who loved ...” Implied other Councillors did not	No breach.	P
14	Disrespect	Abusive language. Disrespect of chair.	Minor transgressions. NFA	P
15	Disrespect	Abusive language at another Council meeting.	Minor breach. Consequences minimal. NFA	P
16	Disrespect	Abusive language at meeting.	Minor breach and consequences minimal. NFA	P
17	Disrespect	Verbal attack and harassment.	Pre code – adoption. NFA.	P
18	Disrespect	Verbal attack and harassment.	Pre code – adoption. NFA	P
19	Disrespect	Disruptive and disrespectful at meetings.	No specific instances. No evidence of breach.	P

No	Alleged Breach of Code	Nature of Allegations	Outcome	U – Unitary D – District Council C – County P - Parish Council
20	Failure to report disrespect.	Aware of suspected breach and failure to notify SB.	Believed Clerk pursuing breach no undue delay.	P
21	Improper advantage. Improper use of resources.	Councillor designed and maintained Council's website and included her contact details as editor.	No evidence of breach.	P
22	Breach of confidentiality. Failure to declare.	Read out letter of complaint against the Clerk.	Pre date of adoption. NFA.	P
23	Improper advantage.	Distribution on eve of election day of council consultation pack inviting responses vici members.	NFA	U
24	Failure to state nature of interest.	Insufficient detail.	Sufficient detail given. No evident to support breach.	P
25	Disrespect Disrepute	Reprimanding an officer at Council meeting.	Minor nature. No evidence to support breach.	P
26	Improper influence. Improper advantage.	Planning application. Site adjacent to Councillor's home. Wrote letter, sought reference to Committee and site visit.	In absence of regulations NFA.	U
27	Failure to declare.	Planning application. Councillor owned adjacent land and argued for rejection.	Undertaking from Councillor. NFA.	D*
28	Failure to declare.	Advocated heritage officer post – family owned land connected to heritage work.	Link remote and tenuous. NFA	P*
29	Disrepute.	Threatening letter to member of public who had contradicted evidence in support of planning approval.	Not acting in capacity of Councillor. Dispute a private matter.	D*

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30	Disrespect	Personal remarks in a press release.	Part of cut and thrust of political debate. No evidence of failure.	C
31	Improper advantage	Sought to obtain an item for youth-club use during inspection of premises.	Did not seek to use position to benefit youth club. No evidence of breach.	U
32	Fail to register.	Failed to complete register.	Absent from council meetings and ceased to be a member. NFA	P
33	Fail to register.	Failed to complete register.	NFA because resignation.	P
34	Fail to register.	Failed to complete register.	Verbal resignation on date of adoption of Code. NFA.	P
35	Fail to register.	Failed to complete register.	Verbal resignation and ceased to be a member. NFA.	P
36	Disrespect Disrepute	Political dispute at mayor-making ceremony – critical remarks.	Heated political debate. NFA.	U
37	Disrespect Disrepute	Councillor accused another of telling lies.	Heated political debate. NFA.	D
38	Failure to declare.	Planning application common boundary with home.	No evidence to support financial gain and undertaking. NFA.	P*
39	Breach of confidentiality.	Confidential note of party group meeting given to press.	Confidential information normally to include Schedule 12A matters. No evidence of failure.	D*
40	Disrespect Disrepute	Derogatory comments regarding officer.	Breach but NFA therefore minor nature and expression of regret.	U
41	Disrepute	Public criticism of fellow councillors “gutless” and “spineless”.	No breach.	P

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42	Failure to disclose.	Links with company which employed Council officer whose competency was under consideration.	Personal interest declared but not sufficient to be prejudicial. No evidence of failure.	P
43	Failure to disclose.	Trustee of a body the subject of grant consideration.	Should have declared personal interest but not prejudicial as appointed by Council to Trust.	P
44	Failure to declare.	Defamation proceedings amendment to minutes.	In absence of regulations. NFA.	P
45	Breach of confidentiality.	Disclosure of contents of confidential report to Union official – no details of individuals.	No evidence of failure to comply.	D
46	Disrepute. Failure to report.	Letter to Leader of party group complaining a member had breached confidentiality.	Breach of duty to report but no disrepute. NFA.	D*
47	Breach of confidentiality.	Confidential letter of complaint to Councillor disclosed to person subject of the complaint.	Breach of code but NFA.	D
48	Failure to Register	Failed to register.	NFA because of resignation.	P
49	Failure to declare and withdraw.	Grant sought for repair of wall in proximity to Councillor's property. MO considered prejudicial interest unlikely.	NFA not considered to be a personal or of prejudicial interest.	P
50	Failure to register.	Later completion of register four months after deadline.	NFA because did eventually register.	P
51	Failure to declare improper advantage.	Planning application by a member of Councillor's party group.	No personal interest because shared membership of a political group.	P*

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			Must be evidence of other links or social intercourse to constitute friendship. NFA. Should have withdrawn.	
52	Failure to withdraw. Improper influence.	Planning application by a member of Councillor's party group but evidence of sufficient social links to conclude that friendship existed.	In absence of S. 66 regulations NFA. No improper influence.	P*
53	Disrepute	Racist comments.	Lack of understanding and judgement. Had brought office and District into disrepute. In absence of Regulations NFA.	U*
54	Failure to withdraw. Failure to register.	Councillor's home adjoined planning application site.	Councillor's home was likely to be affected but presence at meeting in question did not influence decisions already taken. NFA.	P
55	Failure to declare.	Link between organisation in which Councillor was Chief Executive and matter under discussion.	No personal interest. No evidence of failure. NFA.	D
56	Disrespect. Disrepute.	Called another Councillor a liar at Council meeting.	Did not exceed normal cut and thrust of political discussion. No evidence of failure.	P
57	Failure to disclose.	Planning application. Councillor and applicant members of the same community association.	Acquaintances but not friends. No evidence of failure.	P*
58	Failure to report.	Should have reported a failure to declare an interest by another Councillor.	Did not believe a failure. No evidence of failure.	P

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59	Disrespect.	Told elderly lady to “shut up”.	Abrupt manner but isolated incident. No breach of Code.	U
60.	Disrepute	Flight tickets for “twinning” visit.	Breach of Standing Orders but no evidence of Councillor’s involvement in the breach. No evidence of failure.	P
61	Disrespect.	Dispute between two Councillors one ousted as Chair of a committee said would not sit on a committee chaired by the other.	Cut and thrust of politics. No evidence of failure.	P
62	Disrespect. Disrepute.	Procedural breach – unpleasant and belligerent attitude.	No basis for complaint. No evidence of failure.	P
63	Disrespect. Disrepute.	Referred to another Councillor as a “joke”. Participated in committee meeting even though not a member.	No evidence of failure.	P
64	Disrespect. Disrepute.	Procedural points relating to election of chair and membership of a committee.	No evidence of failure.	P
65	Improper advantage	Councillor involved in planning application drainage system benefit.	No evidence to disprove Councillor’s assertion that no benefit to him. No action.	P
66	Unlawful discrimination. Disrespect and Disrepute. Compromise impartiality.	Disrespectful comments in meeting.	Minor breaches and consequences minimal. NFA.	P
67	Failure to register.	Failure to register until reminded by ESO.	Breach but as registration subsequently completed NFA.	P
68	Failure to register.	Do.	Do.	P

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69	Failure to register.	Do.	Do.	P
70	Failure to register.	Failure to register until reminded by ESO.	Breach but as registration subsequently completed NFA.	P
71	Failure to register.	Do.	Do.	P
72	Failure to register.	Do.	Do.	P
73	Failure to register.	Do.	Do.	P
74	Failure to register.	Do.	Do.	P
75	Disrespect. Breach of confidentiality. Disrepute.	Stated another Councillor did not pay council taxes and would be visited by bailiffs.	No breach of confidentiality but disrespect and disrepute. Would have referred to MO but no regulations. NFA.	P
76	Failure to register.	Refusal to register on point of principle.	Serious breach. Referred to Adjudication Panel.	P*
77	Failure to withdraw.	Grant repayment issue. Councillor a member of the community association concerned.	No personal interest. Association had ceased to exist a year earlier. No evidence of failure.	P
78	Disrespect. Disrepute.	Insensitive enquiries with vacancy procedures following death of a Councillor.	No breach. No evidence of failure.	P
79	Failure to withdraw.	Co-option issue at Council meeting. Candidate complainant's estranged husband.	Failure to withdraw was a breach. In absence of S.,66 Regulations NFA.	P



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80	Disrespect Disrepute	Chairman of Council produced personal newsletter, widely circulated, critical of individual council members.	Disrepute and disrespect. In absence of S.,66 Regulations NFA.	P
81	Failure to declare. Failure to withdraw. Improper advantage.	Councillor should have declared personal interest because son was to be editor of website Council agreed to set up.	No personal interest at time of decision. Letters to press part of cut and thrust of political debate.	P
82	Failure to withdraw.	Councillor lived opposite house proposed to be extended. Issue was a reduction in size of the extension.	Councillor was over cautious in declaring a personal and prejudicial interest. No evidence of any breach.	P
83	Failure to register.	Strongly held objection to registration.	Office vacated by non-attendance. No further action.	P
84	Improper advantage.	Councillor lobbied for a local organisation to use vacant school site adjoining his house.	No breach. Actions consistent with Councillor's community interest. No evidence of failure.	U
85	Disrespect.	Intimidating manner and comments during and after meeting.	Not entirely courteous but no disrespect. No evidence of failure.	U
86	Failure to withdraw. Improper influence.`	Parents home within a few hundred yards of site proposed for development.	Personal and prejudicial interest. In absence of S.66 Regulations no further action.	D
87	Failure to declare and withdraw.	A "friend" who is a director of a firm proposing to enter into a contract with the Council.	Personal but not prejudicial. Should have declared personal interest. No further action.	D
88	Failure to declare and withdraw.	Do.	Not a friend and no interest to declare. No evidence of failure.	D.

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89	Failure to register.	No registration.	Councillor retired from Council. No action required.	P
90	Failure to register.	No registration.	Did not stand for re-election. No action required	P
91	Failure to withdraw.	Wife trustee of charity applying for planning permission. Personal interest declared – should have withdrawn.	Prejudicial and should have withdrawn. No evidence sought to influence. No action required.	P
92	Disrepute.	Non-deliberate misuse of proxy votes.	No further action.	U
93	Failure to register.	No undertaking to observe and no registration.	Ceased to be a member. No further action.	P
94	Disrespect Disrepute.	Enforcement notice. Inappropriate comments at meeting.	Isolated lapse of judgement and no lasting influence on enforcement action. NFA.	D
95	Breach of confidentiality. Improper disadvantage.	Use of unpublished document.	Councillor believed document to be public. No improper disadvantage. No evidence of failure.	P
96	Failure to declare. Disrepute. Improper disadvantage. Improper influence.	Participation in Committee meeting concerning appeal relating to application for rate relief. Attended meeting as an observer. Prior involvement.	Natural justice demanded no participation but honest mistake and no damage to public confidence. No disrepute. No personal interest. No evidence of failure.	D
97	Breach of confidentiality.	Private report on school closure given to Councillor who disclosed to Chair of advisory panel.	Did not believe to be confidential. No evidence of failure.	C
98	Improper influence. Disrespect.	Should have declared interest as representative of the Council on	Not prejudicial but should have considered all the circumstances	P

No	Alleged Breach of Code	Nature of Allegations	Outcome	U – Unitary D – District Council C – County P - Parish Council
	Disrepute. Failure to withdraw.	outside body.	before deciding whether 9(2)[C] should apply. No evidence of failure. Cut and thrust of political debate	
99	Disrespect.	Ignored public questions at public meeting.	No evidence of failure.	P

Continued.....

Of the 99 case summaries:-

- 65 related to Parish/Town councils.
- 33 related to principal councils.
- 98 no further action (save for some recommendations) but for absence of regulations 9 cases would have been referred to Monitoring Officer under LGA 2000.
- 1 referred to Adjudication Panel.
- 16 related to planning applications.
- 33 involved allegations of disrespect.
- 29 involved allegations of disrepute.
- 8 related to allegations of breach of confidentiality.
- 12 related to allegations of improper advantage.
- 14 related to allegations of failure to register.
- 9 related to allegations of failure to declare interests.

**Richard Lester**  
**6 February 2003**