

REPORT TO:	STANDARDS COMMITTEE
DATE:	14 December 2021
REPORT OF:	Sandra Stewart – Executive Director Governance & Resources (Monitoring Officer)
SUBJECT MATTER:	ETHICAL UPDATE – HELPING TO PROMOTE HIGH STANDARDS OF CONDUCT
REPORT SUMMARY:	This report is intended to brief members on any developments and news on matters of local government ethics.
RECOMMENDATION(S)	Members are asked to consider the report and comment on its contents (as applicable) and note its contents
FINANCIAL IMPLICATIONS: (Authorised by Borough Treasurer)	There are no significant financial issues arising from this Report.
LEGAL IMPLICATIONS: (Authorised by Borough Solicitor)	The promotion and maintenance of high standards of conduct by councillors is an important part of maintaining public confidence in both the council and its members. Failure to do so could have significant reputational implications.
RISK MANAGEMENT:	Standards Committees should be aware of the National position in order that consistency of approach is taken in respect of setting and advising on local ethical and standard issues.
LINKS TO COMMUNITY PLAN:	Support the current arrangements for ethical and corporate governance of the Authority to ensure that the public can have confidence in local government.

ACCESS TO INFORMATION

NON-CONFIDENTIAL

This report does not contain information which warrants its consideration in the absence of the Press or members of the public

REFERENCE DOCUMENTS:

The background papers relating to this report can be inspected by contacting the report writer, Sandra Stewart, the Council's Borough Solicitor and statutory Monitoring Officer by:

 Telephone: 0161 342 3028

 e-mail: Sandra.Stewart@tameside.gov.uk

1. ETHICAL UPDATE – HELPING TO PROMOTE HIGH STANDARDS OF CONDUCT

1.1 An update is provided on the following issues:

- (a) Information Commissioner launches investigation into use of private email
- (b) Councillor censured following complaints
- (c) Councillor jailed after sending threatening email to MP and chief executive
- (d) Reminder: Register of Interests
- (e) Reminder: Dispensations

2. INFORMATION COMMISSIONER LAUNCHES INVESTIGATION INTO USE OF PRIVATE EMAIL

2.1 The Information Commissioner's Office has launched an investigation into the use of private correspondence channels at the Department of Health and Social Care.

2.2 In a [blog](#) Information Commissioner Elizabeth Denham said the ICO had served information notices on the department and others to preserve evidence relevant to her inquiry. The ICO's investigation will establish if private correspondence channels have been used, and if their use led to breaches of freedom of information or data protection law. The watchdog will publish the results of that investigation in due course. The ICO has said the suggestion of ministers and senior officials using private correspondence channels, such as private email accounts, to conduct sensitive official business was a concerning one.

2.3 The Commissioner also highlighted the public concern about a lack of transparency about decisions that affect individuals and their families. The Information Commissioner pointed to the ICO's guidance on the use of private communication channels and the government's own code of practice, which sets clear standards, and emphasises the importance of good records management in ensuring public trust and confidence.

2.4 The Information Commissioner noted that the use of private correspondence channels for official government business does not break freedom of information law, but her concerns relate to information in private emails and messages being forgotten or otherwise not considered when a freedom of information request is later received. This frustrated the freedom of information process, and put at risk the preservation of official records of decision-making, the Information Commissioner said, adding that she also worried that emails containing personal detail were not properly secured in people's personal email accounts.

2.5 The Commissioner pointed to the ICO's [guidance on the use of private communication channels](#), which she said had been available on its website for a considerable period of time. The government's own [Code of Practice](#) also sets clear standards, and emphasises the importance of good records management in ensuring public trust and confidence, particularly following a national crisis.

2.6 The Commissioner noted that the ICO has a range of powers following the completion of an investigation, ranging from good practice recommendations and enforcement notices, up to the option of criminal prosecution of individuals where information has been deliberately destroyed, altered, or concealed after it has been requested under the Freedom of Information Act.

3. COUNCILLOR CENSURED FOLLOWING COMPLAINTS

3.1 In September 2021, Maldon District Council (the Council) upheld six complaints against a member who was found to have failed to treat others with respect; bullied officers and other

members; to have disclosed confidential information about another member on social media; and had deliberately attempted to undermine the Council's Code of Conduct process, bringing his office and the Council into disrepute.

- 3.2 The allegations included that the member had disrupted a Planning Committee meeting by repeatedly shouting over the chair, insulting her and other members of the committee. It was also alleged that the member had made abusive, haranguing and potentially slanderous comments towards council officers, and had acted in an aggressive and intimidating manner.
- 3.3 In another incident, the member was alleged to have taunted an officer at a meeting while filming the encounter and subsequently publishing it on Facebook, after which he 'liked' a comment which described the officer as the "worst kind off [sic] human filth we have in our society".
- 3.4 It was also alleged that the member made repeated attempts to undermine and publicly discredit the members' complaints process, such as by livestreaming his investigation interview on Facebook Live. This resulted in the council having to report a personal data breach to the Information Commissioner.
- 3.5 The committee found that the member's behaviour during the investigation process showed contempt for the principles of accountability and integrity and also brought his office and the council into disrepute.
- 3.6 The Councillor was censured after complaints upheld from officers and other members. As well as the decision to formally censure the member, the Chair of the Joint Standards Committee also recommended that the member be removed from committee meetings and working groups; that access to ICT and email to be restricted until May 2022; and that the member is provided with training on conflict management and resolving disputes.
https://www.maldon.gov.uk/download/downloads/id/18712/joint_standards_committee_decision_letter.pdf

4. COUNCILLOR JAILED AFTER SENDING THREATENING EMAIL TO MP AND CHIEF EXECUTIVE

- 4.1 An Allerdale councillor has been sentenced to six weeks in prison after pleading guilty to sending a threatening email to his local MP and the borough council's chief executive.
- 4.2 Workington Magistrates' Court sentenced Peter Little for breaching section 127(1)(a) and (3) of the Communications Act 2003, which says a person is guilty of an offence if they send a message that is grossly offensive or of an indecent, obscene or menacing character.
- 4.3 According to a [BBC report](#), Mr Little used a sexual swear word to suggest Andrew Seekings, Allerdale's Chief Executive, and Mr Jenkinson would come to harm.
- 4.4 Upon handing down the sentence on the 19 October 2021, District Judge Mark Hadfield mentioned the serious nature of threatening MPs and referred to the recent "tragic" events surrounding the death of MP Sir David Amess.
- 4.5 "*If you were of good character I would consider a community order,*" Judge Hadfield added. But Mr Little's case was aggravated by his record for "disorder and violence" and "more particularly by the fact that it was committed whilst subject to a suspended sentence recently imposed for threats to neighbours and your appalling behaviours towards officers that day," according to the judge.
- 4.6 Mr Little had earlier received a 12-week suspended prison sentence for separate

threatening behaviour aimed at two police officers in August. In that case, he pled guilty to breaching the Public Order Act 1986.

4.7 Mark Jenkinson, MP for Workington, said: "*Abuse and threats from a tiny, but often loud, minority is sadly part and parcel of political life today. This needs to change.*" Mr Jenkinson added that "*Andrew Seekings, as the Chief Executive of Allerdale Borough Council, has not chosen that political life. He is a paid officer undertaking an often difficult role diligently, efficiently, and with good grace.*"

4.9 Mr Little took office in May 2019 and was a member of the Allerdale Independents. The Independents removed him from its ranks following the sentencing. A spokesperson for Allerdale Borough Council stated that Mr Little's tenure at the local authority had ended as a result of his conviction. This is because pursuant to Section 80 of the Local Government Act 1972, a councillor is automatically disqualified as a councillor with immediate effect when convicted to an imprisonable sentence of 3 months or more whether suspended or not.."

5. REMINDER: REGISTER OF INTERESTS- KEEPING IT UP TO DATE

5.1 Members ordinarily are required to complete their register within the 28 day period of being elected and within 28 days of a change in circumstances relating to their interests, change of job, additional interest group etc.

5.2 Consequently, members are reminded that this is a live document and therefore needs to be reviewed regularly to ensure it is up to date. Failure to keep Councillor register of interests up to date could lead to a complaint being received that it is not accurate and also misleading.

5.3 Accordingly to assist Democratic Services provide a paper copy of the individual submissions currently on line at every Council meeting (5 a year) to enable members to update and confirm as correct. It acts as a useful reminder especially when members are in the meeting for about 2 hours.

5.4 If any member is unsure of something should be registered they are recommended to contact Democratic Services or the Monitoring Officer.

6. REMINDER: DISPENSATIONS

6.1 The Council may grant a Councillor a dispensation, but only in limited circumstances, to enable such Councillor to vote on a matter in which Councillor has a Disclosable Pecuniary Interest or a prejudicial interest.

6.2 The main reason why a dispensation may be granted is where so many Members have an interest in a matter that it would not be possible for the business in question to go ahead. This is particularly relevant at the Council budget setting meeting as every members is a Council Tax payers etc. If a Councillor wants a dispensation that Councillor needs to make an application to the Monitoring Officer in good time before the meeting.

6.3 The Monitoring Officer will write to all Members reminding them of the requirement to submit a written request for a dispensation for the February 2022 Council budget meeting.

6 RECOMMENDATIONS

6.1 As set out at the front of the report.