

EASTBOURNE BOROUGH COUNCIL

DECISION NOTICE

Complaint

On 19 June 2013, a Standards Panel of elected members of this authority considered a complaint from a former employee of Eastbourne Borough Council concerning the alleged conduct of Councillor Tom Liddiard ('the subject member').

The complainant alleged breaches of paragraphs 3(1) and paragraph 5 of Eastbourne Borough Council's Code of Conduct, namely a failure to treat others with respect and/or a failure to conduct oneself in a manner which could reasonably be regarded as bringing one's office or authority into disrepute.

The complaint concerned statements which Cllr Liddiard was alleged to have made to the employee concerned on 19 February 2013. It was alleged that Councillor Liddiard made comments which led the employee to believe that her job was secure for a period of twelve months when it was not, and that the interchange gave the employee false hope for the continuation of her employment in the context of a re-structure of the authority's workforce. It was moreover alleged that the conduct complained of was a breach of the authority's Protocol for Member/ Officer relations.

In its consideration of the complaint at a formal hearing convened for that purpose, the Standards Panel followed this authority's agreed arrangements for dealing with standards allegations under the Localism Act 2011.

Decision

Having heard evidence from the subject member, the Investigating Officer and the complainant, and having consulted with the Independent Person in accordance with the authority's arrangements for dealing with complaints, the Panel decided that the conduct complained of did amount to a breach of both paragraphs 3(1) and 5 of the Code of Conduct.

Reasons for Decision

Having consulted with the Independent Person, the Panel arrived at its decision. It did so having considered all of the evidence before it and the report prepared by the Investigating Officer, this in the light of the Code of Conduct and also the Protocol for Member/Officer Relations.

In reaching its decision that breaches of paragraphs 3(1) and 5 of the Code had occurred, the Panel had listened to the subject member's evidence carefully as well as to that of the complainant. It stated that it had had difficulty in deciding between differing accounts of the same interchange between the parties and considered that misunderstandings were a logical result of failures to follow the protocols which exist to protect all parties. The Panel was of the view that the conversation which gave rise to the complaint should not have happened and that its clear result was to give the complainant false hope that her employment was secure for a period when it was not.

In making its decision, the Panel held that Councillor Liddiard had not treated the complainant with respect in that it had not had due regard for the feelings, wishes

and/or rights of the complainant. By failing in this way he had conducted himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute, in other words the state of being held in low esteem by the public.

Sanctions

The Panel heard the subject member's representations before making its decision. It noted that the mitigating factors included the councillor's honest but mistaken belief that he had not breached the Code. It also noted that he had - during the course of the hearing - apologised to the complainant.

The Panel considered all of the options available to it in terms of sanctions and consulted with the Independent Person before making its decision. It considered that the sanction most appropriate and proportionate on the facts was an instruction that additional training on the Code of Conduct and its interface with the Member/Officer Protocol be arranged for all members, with the subject member being mandated to attend the session.

This Decision Notice will be sent to the complainant and to the member against whom the allegation was made. It will also be published on the authority's website.

There is no right of appeal against this decision.

.....

Terms of Reference

The Localism Act 2011 amends the statutory framework for dealing with complaints about member conduct. Section 27 of the Act provides that relevant authorities must adopt a voluntary code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in their capacity as members, ie in an official capacity. The Code mentioned above was adopted by this authority on 18 July 2012 and is to be read alongside the terms of reference adopted for the Audit and Governance Committee and the authority's arrangements for dealing with complaints referred to above.