

Wednesday, 19 June 2013  
at 6.00 pm



## Standards Panel

Present:-

**Members:** Councillor Ungar (Chairman) Councillors Cooke and Heaps

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**1 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests under the Code of Conduct. (Please see note at end of agenda).**

None were declared.

**2 Exclusion of the Public.**

**RESOLVED:** That the public be excluded from the remainder of the meeting as otherwise there was a likelihood of disclosure to them of exempt information as defined in Schedule 12A of the Local Government Act, 1972.

**3 Code of Conduct Complaint.**

The Panel considered a report of an investigation undertaken in respect of allegations against a Member of the Council which had been referred for local hearing by the Standards Panel in accordance with the authority's arrangements for dealing with complaints.

The Monitoring Officer advised that in accordance with the Localism Act 2011, the Panel was required to make the following decisions:

(a) a decision as to whether or not the Code had been breached.

(b) if it is decided that the Code had been breached, then a decision as to what sanction(s) if any to impose.

The Investigating Officer was invited to present their report and gave a brief outline of its contents, the relevant paragraphs of the Code of Conduct and a summary of their findings.

The investigator's report had concluded that there had been a breach of paragraphs 3(1) and (5) of the Code of Conduct but no breach of paragraph 4 (a).

The complainant and subject member were then invited to give evidence and to clarify questions posed by the Standards Panel.

Having heard the evidence presented in the Investigating Officer's report and listened to the representations made by the subject member, the Panel retired to deliberate. Before reconvening the Panel consulted with the

Independent Person in accordance with the authority's arrangements for dealing with complaints.

**RESOLVED:** That having considered all the evidence in the Investigating Officer's report, as well as the evidence and representations of the subject member and having consulted with the Independent Person, the Panel agreed that that the conduct complained of did amount to a breach of both paragraphs 3(1) and 5 of the Code of Conduct. Following further representations and consultation an appropriate sanction was imposed.

(Exempt information reason paragraph 1 – Information relating to any individual and reason paragraph 2 - Information which is likely to reveal the identity of an individual)

(NOTE: A full record of this decision has been circulated to relevant parties and is published on the authority's website. The Investigator's report to the Sub-Committee and its deliberations remain confidential).

The meeting closed at 8.40 pm

**Councillor Ungar (Chairman)**

## **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.

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### **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.