



Report of the Director of Legal and Democratic Services

Standards Committee

Date: 21st December 2006

Subject: Adjudication Panel for England: Decisions of Case Tribunals

Electoral Wards Affected:

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. This report provides summaries of the recent decisions made by the Adjudication Panel for England regarding allegations of misconduct against Members. The case tribunal decisions have each been summarised and then conclusions drawn regarding whether there are any lessons to be learnt for Leeds City Council.
2. Members of the Committee are asked to note the recent decisions of the case tribunals and to consider the lessons to be learnt for Leeds City Council.

1.0 Purpose Of This Report

- 1.1 This report provides summaries of recent decisions made by the Adjudication Panel for England in its role of determining allegations of misconduct. Further details of specific cases are available at www.adjudicationpanel.co.uk

2.0 Background Information

- 2.1 Three case tribunal decisions have been published since the last report. The decisions are summarised below, in order that Members of the Committee may consider if there are any lessons to be learned by this authority. Copies of each case summary published on the Adjudication Panel for England's website have been sent separately to those Members who have requested them.
- 2.2 The Committee will note that the majority of cases highlight the need for comprehensive and regular training for elected and co-opted Members, on the detailed requirements of the Code of Conduct.
- 2.3 Members of the Committee may wish to note that the cases have been separated into those involving Parish and Town Councils, those involving Borough, City or District Councils, and those which are appeals against local standards committee decisions, for ease of reference.

3.0 Main Issues

Parish and Town Councils

- 3.1 There are no cases to report involving Parish and Town Councils in this period.

Borough, City or District Councils

Hull City Council

- 3.2 It was alleged that a Councillor had repeatedly failed to comply with the Code of Conduct by:
- failing to treat others with respect;
 - failing to have regard to the advice given by the Council's Monitoring Officer;
 - compromising the impartiality of those who work for the authority; and
 - bringing the office or authority into disrepute.
- 3.3 It was alleged that the Councillor had acted in an aggressive, vindictive and abusive manner on four separate occasions.
- 3.4 Firstly, following a meeting between a senior officer and cabinet members in which the officer raised some concerns regarding the extension of the CCTV coverage in the City, resulting in the Councillor walking out of the meeting, the Councillor wrote to the officer accusing him of seeking to undermine cabinet decisions and cabinet members in the presence of junior officers. He wrote "It think that it is appropriate that you do the 'Full Monty' and make all the decisions first hand thus saving me and the Cabinet hours of unnecessary debate etc. I shall of course be available to rubber stamp and take the flak as appropriate". The Councillor also sent all his correspondence to the officer relating to his role as cabinet member, and wrote to all

Liberal Democrat and Independent Members stating that they should direct all housing matters to the officer who would deal with these matters as a cabinet member. The officer tried to meet with the Councillor to resolve the situation, but he was unavailable. Despite leaving a message to contact him, the Councillor did not do so and continued to forward his correspondence to the officer. The officer felt that this behaviour was disrespectful.

- 3.5 Secondly, during a meeting of the cabinet when housing policy was discussed, the Councillor interrupted a presentation by the officer to ask about a Council tenant who he claimed had not been provided with adequate heating whilst hers was being repaired. The officer stated that it was not sensible for policy decisions to be based on anecdotal evidence especially as the facts of the case as presented by the Councillor were inaccurate. Following a short argument, the Councillor left the meeting causing an adjournment. Some members of the public were present at the meeting and the incident was reported in two local newspapers.
- 3.6 Thirdly, during a special cabinet meeting the Council's monitoring officer presented a report which recommended that a previous decision of the cabinet be rescinded. The report was brought to the cabinet in accordance with her duty under section 5 of the Local Government and Housing Act 1989. The Councillor interrupted her presentation of the report and made a comment to the effect that it was not important.
- 3.7 Following this incident and another article in the local press regarding the Councillor's behaviour, the Liberal Democrat Group resolved to write to the Councillor asking him to refrain from any further bad publicity and to ask him to use the proper channels when dealing with officers. The letter also reminded the Councillor that his actions were covered under the Code of Conduct. The Cabinet also held a meeting regarding the incidents and resolved to remove the Councillor from the cabinet.
- 3.8 Finally, the Councillor went to see the monitoring officer in her office. When he was advised that she was out on lunch, he said he needed to speak to her urgently and referred to the monitoring officer as an "evil witch". The monitoring officer's PA stated that she was intimidated by his behaviour.
- 3.9 Given that all the above incidents took place in the Councillor's official capacity, the case tribunal decided that he had breached the Code of Conduct as alleged. The case tribunal found that the Councillor had conducted himself in an unacceptable and confrontational manner by disrupting council meetings and engaging in public arguments with council officers. Especially as other Members had previously warned the Councillor about his behaviour.
- 3.10 The case tribunal further found that the Councillor's behaviour had damaged the reputation of the council and diminished the public's confidence in the authority, and decided a period of disqualification was appropriate. The Councillor was therefore disqualified from office for 12 months.
- 3.11 **In Leeds, the need for Members and officers to treat one another with respect is highlighted in the Protocol on Member/officer relations as well as the Code of Conduct. Members are also made aware of their duties regarding the Monitoring Officer through the Monitoring Officer Protocol.**

Bradford City Council

- 3.12 It was alleged that a Councillor had failed to comply with the Code of Conduct in that during the break in a council meeting he interrupted an interview between another Councillor (Councillor G) and a local reporter by physically steering the reporter out of the room. It is further alleged that the Councillor then proceeded to harangue and threaten Councillor G while using extreme profanities. In doing so he failed to treat Councillor G with respect and brought his office or authority into disrepute, contrary to paragraphs 1.4.2 and 1.6 of the Code.
- 3.13 The incident occurred following a discussion in the Council meeting regarding the 'Asset Management Project'. The Councillor was offended by some comments made about the issue by Councillor G and told members that his speech was the "most dishonest, dishonourable and disreputable speech" he had ever heard in the council chamber.
- 3.14 After the discussion Members left the chamber for a tea break. During the break Councillor G was going to be interviewed by a local reporter. When the interview had been terminated, Councillor G alleges that the Councillor in question approached him, no more than a few inches away and with a raised finger proceeded to harangue and threaten him regarding the earlier debate on the asset management project. He alleged that the Councillor made a series of offensive comments and allegations towards him. Many Councillors and officers witnessed the incident and some made contemporaneous notes.
- 3.15 The argument continued until an officer intervened and led the Councillor away. When the council meeting resumed, the Councillor made the following statement to Members: "One of the things about this game is that sometimes the passion of the moment gets on top of us. At the end of the last debate I was somewhat put out and went charging through and spoke to Councillor G in a wholly un-gentlemanly and inappropriate manner. I have apologised to Councillor G directly, and I just want to share that apology with Members".
- 3.16 The case tribunal concluded that the incident took place immediately adjacent to the council chamber in an interval in a council meeting and arose out of a debate in which the Councillor became irate with a fellow Councillor he subsequently confronted. The incident alarmed a number of individuals and required the intervention of a Council officer to bring the incident to a conclusion. The case tribunal were satisfied that the Councillor was conducting the business of the authority and acting in his official capacity, thereby bringing his office into disrepute. The case tribunal concluded that by this conduct in his official capacity as a Councillor in his confrontation with Councillor H the Councillor also failed to treat Councillor G with respect.
- 3.17 When deciding on an appropriate sanction, the case tribunal took into account the immediate and continuing apology, the fact that this was an isolated incident, the Councillor's determination not to conduct himself in this way again, that he had lost his executive position and has suffered from the damage to his reputation. In the circumstances the tribunal considered it appropriate not to impose a suspension but to admonish the Councillor and warn him to comply with the provision of the Code more closely.

- 3.18 The case tribunal also recommended that Bradford Metropolitan Borough Council ensure that all Members receive appropriate training as to their obligation under the provisions of the Code of Conduct, as this Councillor had not attended any.
- 3.19 **In Leeds, all Members are provided with training on the Code of Conduct when they are elected. After this they are able to access training through the rolling induction programme, through the e-learning module on the Code of Conduct, and through obtaining advice on any conduct matter through the Monitoring Officer. Members that are unable to attend the group training sessions during the induction week, are required to attend one to one training with the Monitoring Officer. All Members will also be trained on the new Code of Conduct once it comes into force in May 2007.**

West Wiltshire District Council

- 3.20 It was alleged that a Councillor had failed to comply with West Wiltshire District Council's Code of Conduct by:
- Failing to declare an interest, failing to withdraw from the room and seeking improperly to influence decisions at Council meetings on various occasions when the Westbury Town Policy Limit (TPL) at Redland Lane Playing Field (Redland Lane) and Penleigh Park Recreation Ground (Penleigh Park) was discussed. This was alleged to be contrary to paragraphs 9, 12(1)(a) and 12(1)(c) of the Code as The Councillor had an interest in his involvement with Westbury Open Spaces Protection Group (WOSPG).
 - Using his position as Chair of the Policy Project Group (PPG) improperly to influence a decision regarding the proposed Westbury TPL by not subjecting Westbury Town Council's submission to the same scrutiny as other submissions contrary to paragraph 5(a) of the Code.
 - Failing to declare an interest at Council meetings on two occasions when changes to exclude Leighton Sports Ground from the proposed Westbury TPL were discussed and, at the meeting on 22 October 2003 by failing to withdraw from the room contrary to paragraph 9 and 12(1)(a) of the Code.
 - Failing to declare an interest, failing to withdraw from the room and seeking improperly to influence decisions at Council meetings on various occasions when the change to the proposed Westbury TPL at Redland Lane and Penleigh Park was discussed. This was alleged to be contrary to paragraphs 9(1), 12(1)(a) and 12(1)(c) of the Code as The Councillor had an interest as a result of bringing legal proceedings against WWDC in relation to the partial sale of land known as Penleigh Park and acting as a McKenzie Friend to an applicant in relation to their application to have a part of Penleigh Park declared a town green.
 - Failing to declare an interest, failing to withdraw from the room and seeking improperly to influence decisions at Council meetings on various occasions when the proposed route of the Westbury Bypass Eastern Route was discussed. This was alleged to be contrary to paragraphs 9(1), 12(1)(a) and 12(1)(c) of the Code as the Councillor had an interest as a result of the location of his residence.
 - Failing to declare and interest, failing to withdraw from the room and seeking improperly to influence the decision at a Council meeting on 7 April 2004 when supplementary planning guidance regarding the provision of open space in new housing developments' open spaces policies was discussed. This was alleged to be contrary to paragraphs 9(1), 12(1)(a) and 12(1)(c) of the Code the Councillor

had an interest as a result of membership of WOSPG, by having brought legal proceedings against WWDC in relation to the partial sale of land known as Penleigh Park and by acting as a McKenzie Friend to an applicant in relation to their application to have Penleigh Park declared a town green.

- Bringing his office or authority into disrepute as a result of the above actions contrary to paragraph 4 of the Code.

3.21 Ethical Standards Officer alleged that three matters justify a finding of the existence of a personal interest in the TPL in relation to Penleigh Park and Redland Lane. Firstly, the Councillors' formation and Chairmanship of the WOSPG and his involvement in its activities. Secondly, the fact that he had brought judicial review proceedings challenging the sale of part of Penleigh Park. Thirdly he acted as a McKenzie Friend in the judicial review proceedings brought by a member of the public challenging the refusal of Wiltshire County Council to determine her town green application. However, the case tribunal was not satisfied on the balance of probabilities that these three matters when looked at objectively support a finding that the Councillor had a personal interest in the definition of the TPL at the relevant meetings.

3.22 Not of the matters were registrable interests under paragraphs 14 and 15 of the Code of Conduct, and so the matter could only be an interest if it might be reasonably regarded as affecting to a greater extent than other council tax payers, ratepayers, or inhabitants of the authority's area, the well-being of the Councillor. The case tribunal concluded that the three facts outlined as evidence by the ESO were consistent with the actions of a community leader and nothing more. Also his involvement with WOSPG did not affect his well-being in the sense meant by the Code. The group was not committed to any particular policy regarding the area, and had actually folded 18 months prior to the Council meetings in question.

3.23 With regard to the allegation that the Councillor had an interest in the Westbury TPL due to the location of his home, the case tribunal found that the Councillor's well-being would have been unaffected. His home was sufficiently screened and secluded so as not to have been affected.

3.24 As the allegation that the Councillor had breached paragraph 4 of the Code stemmed from the allegation that he had repeatedly failed to declare personal and prejudicial interests, the case tribunal also found that there was no breach of paragraph 4.

Wigan Metropolitan Borough Council

3.25 It was alleged that a Councillor had failed to comply with Wigan Metropolitan Borough Council's Code of Conduct by:

- Failing to treat others with respect, contrary to paragraph 2(b) of the Code;
- Bringing his officer or authority into disrepute contrary to paragraph 4 of the Code; and
- Using his position as a member improperly to confer on or secure for himself or any other person, an advantage or disadvantage, contrary to paragraph 5 of the Code.

3.26 The case tribunal found that the Councillor did breach paragraph 2(b) of the Code of Conduct by:

- Making unfounded and personal allegations against an officer which failed to treat her with respect;
- The tone and manner of the Councillor's dealings with staff was unreasonably overbearing and threatening, contravening the member/employee protocol and treating the staff with disrespect;
- Actions which amounted to a sustained and unwarranted attack on the integrity of those concerned, particularly one officer. Although the Councillor did not appear to have personally written a most offensive letter to the officer, he foolishly allowed it to be sent on his behalf and under his signature;
- Requesting to see an officer's calendar and subsequently taking the matter up with the Council's Chief Executive in an unreasonable manner amounted to a failure to treat both officers with respect; and
- Making unjustified allegations against a member of staff and taking on the role of investigator. The Councillor treated the member of staff's son without respect in circumstances which an objective observer would consider brought both his office and authority into disrepute.

- 3.27 The case tribunal also found that the Councillor had breached paragraph 5(a) by;
- Advertising his business in the Town Hall canteen, a place to which he only had access as a Councillor. However they considered this breach largely irrelevant to the case as a whole; and
 - Requesting commercially sensitive information which could have been required by the Councillor for no other purpose than to use in connection with his own business. The purpose of the request was therefore to seek a personal gain or advantage for the Councillor.
- 3.28 Finally, the case tribunal found that the Councillor had breached paragraph 4 of the Code of Conduct by:
- Seeking to gain a personal advantage by requesting commercially sensitive information; and
 - The tone of the disrespect and the unreasonable nature of his attacks on officers.
- 3.29 Having regard to several mitigating factors, including the Councillor's dyslexia, his relative inexperience as a Councillor, and the possibility of future training and support, the case tribunal decided to suspend the Councillor for 6 months, and make a series of recommendations to the authority concerned.
- 3.30 In terms of support for the Councillor, the case tribunal recommended that the authority consider addressing the Councillor's needs as a dyslexic by the provision of one to one help from a person qualified to work with people with learning difficulties and by the provision of a tape recorder. As to the Councillor's future role in the authority, the case tribunal recommended that he be required to make all contact with the Council through a designated officer and that he is accompanied in the course of any dealings by another Councillor. These arrangements could be kept under review and strengthened or relaxed as necessary. The Councillor should also limit any direct access to matters of a personal nature connected with his business.

3.31 In Leeds, Councillors with special needs or requirements are provided with support in terms of training and development. Councillors are asked about any special requirements they have when they are invited to any training event run by Leeds City Council (each time, in case their needs change over the course of the year). Reasonable adjustments can be made, such as presenters being asked to wear hearing loops if necessary. Assessments can also be funded by the Council to ascertain a Councillor's needs. After the assessment support can be offered in terms of providing equipment (dictaphones), large print documents, secretarial support etc. Members may also need support in other areas, such as Committee meetings and ward surgeries, and a policy on these issues is currently being drafted within Democratic Services to ensure a consistent approach across the Council. However, Members may wish to note that the onus is on them to make the Council aware of any special needs or requirements in the first instance.

Appeals against local standards committee decisions

Test Valley Borough Council

- 3.32 The Councillor appealed against Test Valley Borough Council's standards committee decision that he had breached North Baddesley Parish Council's Code of Conduct by:
- Failing to treat the editor of the "Valley Park Voice" with respect at the Park Valley Community Association AGM by accusing him of editorial bias; and
 - Bringing his office or authority into disrepute by publishing the allegation of bias in a Liberal Democrat pamphlet and also in repeating that allegation at the Community Association AGM.
- 3.33 The Councillor accused the editor of bias because he had decided not to publish a letter written by the Councillor on the subject of a new proposed Valley Park Parish Council.
- 3.34 The standards committee decided to censure the Councillor and to require him to send a letter of apology to the editor. However, the Councillor appealed on the grounds that the panel of the standards committee hearing were biased.
- 3.35 The Councillor claimed that the panel was biased because it was not properly politically balanced. He drew to the Appeals Tribunal's attention the guidance issued by the Standards Board for England which although acknowledging that standards committees were not required to be politically balanced does recommend this as good practice. As three out of the five Members of the panel were Conservative and the Councillor was Liberal Democrat, he felt they were biased against him. Two of the Members of the panel also declared personal interests as they knew the editor of the "Valley Park Voice", however they did not explain the nature of their relationships and since the hearing the Councillor had become aware that one of these relationships may have been 'substantial'.
- 3.36 The standards committee informed the appeals tribunal that they had complied with the rules for selecting panels and such hearings approved by the Council. Because these rules do not allow for substitute Members to be on the panel, there was no choice but to go ahead with only Conservative Councillors, as the only Liberal Democrat Councillor was ineligible under the rules as she was a Member for the same ward as the Councillor in question. The Council's Deputy Monitoring Officer

also informed the tribunal that he had already investigated the possibility of one of the Councillor's having a prejudicial interest but had found that this was not the case.

- 3.37 The appeals tribunal decided that the standards committee were not biased, either due to the political composition of the panel or the fact that two of the Members had declared personal interests. The tribunal agreed that there was no requirement for standards committees to be politically balanced and it was their understanding that Councillors were expected to rise above party politics and to judge each case on its merits. However the appeals tribunal were of the opinion that the Council may wish to revise the rules surrounding substitutes, as having a politically balanced panel may be necessary in the case of a politically motivated complaint. The appeals tribunal also felt that it was not the Monitoring Officer's responsibility to investigate the background of the Members' interests, as the responsibility for declaring personal or prejudicial interest lies with the Member concerned and may not be devolved to any officer, although the Deputy Monitoring Officer had acted properly in questioning the Councillor about the nature of his interest.
- 3.38 The standards committee had concluded that the Councillor had "made such an allegation which was not justified, and in an inappropriate and unacceptable manner". It was the committee's opinion that his conduct would have lowered his reputation in the estimation of the public, and therefore he had brought his office and authority into disrepute. The appeals tribunal disagreed with the standards committee and considered that the Councillor had not breached the Code of Conduct. The matters before the committee were part of the normal rough and tumble of local parish life and the level of political debate one might find in a small community. Further the appeals tribunal felt that the Councillor was justified in thinking he was being treated unfairly as two other letters on the same subject were published and the reply to his query as to why had been less than helpful. The appeals tribunal also took into account the fact that the editor was a Conservative who had stood for election against the Councillor, and so they were political opponents. The Councillor had not used offensive or abusive words when describing the editor and had not acted aggressively.
- 3.39 The appeals tribunal did not therefore uphold the decision of the standards committee, whose decision ceased to have effect.
- 3.40 **In Leeds the Standards Committee is also unable to have substitutes. The reason for this being that membership of the Standards Committee is a specialised role, highlighted by the fact that membership of the standards committee has now been identified as such in the Member Development Strategy 2006-2008. The reserve parish member and the reserve independent member are able to substitute for other members if there are quorum problems, but City Councillors are not allowed substitute members should they have to withdraw due to an interest.**

Wear Valley District Council

- 3.41 A Councillor appealed against the local standards committee's finding that he had failed to following paragraphs 4 and 5(a) of the Code of Conduct through his actions in using his position to improperly confer a disadvantage upon the Clerk of Stanhope Parish Council and in doing so bringing his office into disrepute.

- 3.42 The standards committee censured the Councillor, required him to undertake training in the Code of Conduct, write and send a letter of apology to the Clerk of the Parish Council, and decided that the Councillor should be suspended for a period of three months.
- 3.43 The Councillor appealed their decision on the grounds that the standards committee had failed to comply with statutory deadlines when organising the hearing. The appeals tribunal agreed that Wear Valley District Council failed to ensure substantial compliance with its legal obligations to hold the standards committee within three months of receipt of the Ethical Standards Officer's report. The failure to comply was not because of reasons outside their control or what could reasonably be anticipated. In the tribunal's opinion, the Council's decision at a very late stage (after the expiry of the time limit) to increase the pool of standards committee members from whom panels might be selected bears their opinion out. There were also some delays during the process that were not properly explained in the papers before the appeals tribunal.
- 3.44 This failure to comply with the time limits deprived the Councillor of the opportunity to put his case forward. It was therefore the finding of the appeals tribunal that the standards committee hearing was unlawful, and the decision of the standards committee ceased to have effect. However the appeals tribunal did state that the allegations concerning the Councillor were serious ones and should the tribunal have been asked to consider the case itself they may have reached the same conclusions as the standards committee.
- 3.45 In Leeds, the Standards Committee Procedure Rules have been drafted in such a way as to provide clear deadlines for each stage of the pre-hearing process. By allowing the reserve members of the committee to act as substitutes, quorum difficulties should not prevent a delay in the hearing being carried out. However the above case does reinforce the importance of Members of the Committee communicating any possible interests to the Monitoring Officer at an early stage in the process, and remaining as flexible with their availability as possible.**

Wear Valley District Council

- 3.46 A Councillor appealed against the decision of the standards committee that he had failed to follow paragraphs 4 and 5(a) of the Code of Conduct through his actions in using his position to improperly confer a disadvantage upon the Clerk of Stanhope Parish Council and in so doing brought his office into disrepute.
- 3.47 The standards committee censured the Councillor, required him to undertake training in the Code of Conduct, write and send a letter of apology to the Clerk of the Parish Council, and decided that the Councillor should be suspended for a period of three months.
- 3.48 In his reasons for appeal the Councillor stated that the date of the hearing was changed, he was "messed about", and not given the proper opportunity to state his case.
- 3.49 The tribunal noted that it was the standards committee's intention to consider both the above cases in one hearing as the witnesses and evidence were substantially the same and it was considered unreasonable to hear the two cases on separate

dates. However although the second Councillor was willing for his case to be heard separately, it was postponed due to the first Councillor's availability.

- 3.50 In the appeals tribunal's opinion the failure of the standards committee to hold a substantive hearing within the timetable laid down and to have given proper consideration to the second Councillor's interests, which were distinct from the first, they deprived the Councillor of the opportunity to put his case. It was therefore the finding of the appeals tribunal that the standards committee hearing was unlawful, and the decision of the standards committee ceased to have effect. However the appeals tribunal did state that the allegations concerning the Councillor were serious ones and should the tribunal have been asked to consider the case itself they may have reached the same conclusions as the standards committee.

North Kesteven District Council

- 3.51 A Councillor appealed against a determination by the standards sub-panel of North Kesteven District Council to censure him for a failure to comply with paragraph 7 of the Code of Conduct. It was alleged that the Councillor had taken part in a decision to provide a grant to the Gala Committee (of which he was a Member) without declaring a personal, or personal and prejudicial interest. It was the appellant's opinion that despite declaring a prejudicial interest on other occasions when the matter was considered, there was no need to do so at this particular meeting as the matter was not being 'considered'.
- 3.52 There were three bases to the appeal. These were:
- There could have been no consideration of the grant to the Gala Committee on the date in question as such consideration would breach the Council's standing orders.
 - The standards sub-panel treated the appellant unfairly at the hearing.
 - The appellant did not have a personal interest in the agenda item which gave rise to the complaint.
- 3.53 The Appeals Tribunal found that it was reasonable for the appellant to decide that there would be no discussion in relation to the Gala Committee grant at the meeting in question. Although that would not relieve him of the need to declare a personal interest if one had arisen. However the uncertainty surrounding whether there was any consideration of the matter, in the Appeals Tribunal's decision, was the fault of the poor financial processes of the Parish Council. The matter appeared under the agenda item "Accounts for Approval", however in the minute nothing was "approved".
- 3.54 The Appeals Tribunal rejected the Appellant's submission that the matter was not considered, as the item was on the agenda for deliberation and was the subject of the vote. The fact that this consisted on no more than the Chairman asking "All in favour?" followed by a general assent, does not make a difference. The absence of discussion does not equate to the absence of consideration.
- 3.55 The Appellant also claimed that they had been treated unfairly by the standards sub-panel, but in the Appeals Tribunal's opinion there was no sustainable evidence to support this. There did appear to be an amount of procedural unfairness in that the documentation was delivered to the Appellant late and additional documents were presented to him at the hearing itself, but the Appeals Tribunal found no evidence of any sinister purpose or that the Appellant was actually disadvantaged

by this situation. Neither the Appellant or his representative sought an adjournment and there is no reason to suppose that one would not have been granted in an application had been made.

3.56 During the meeting in question several Members of the Committee were also members of other bodies receiving payments, but no one declared an interest in the agenda item. In the Appeals Tribunal's opinion this exposes either a misunderstanding of the Code of Conduct or a wholesale disregard for it. If it shows the latter, there should have been some consideration of why the Appellant was singled out for a complaint to the Standards Board. They suggest that this should have been a cause for concern before embarking on a investigation and hearing at the public's cost.

3.57 The Appeals Tribunal decided that although they could not say that there had been no breach of the Code of Conduct, they were not satisfied that there had been a breach. The Tribunal therefore allowed the appeal, and the decision of the standards sub-panel ceased to have effect.

3.58 The Appeals Tribunal also recognised that many difficulties in this case arose from poor financial procedures at the Parish Council and recommended that these be reviewed.

4.0 Implications For Council Policy And Governance

4.1 There are no implications for Council Policy.

4.2 By continually monitoring decisions made by the Adjudication Panel and the implications for Leeds, the Standards Committee is fulfilling its terms of reference by keeping the codes and protocols of the Council under review.

4.3 By identifying problem areas the Standards Committee are also able to improve the training provided for Members on conduct issues, and maintain good conduct in the Council.

5.0 Legal And Resource Implications

5.1 There are no legal or resource implications to noting this report.

6.0 Conclusions

6.1 This report summarises the case tribunal decisions that have been published by the Adjudication Panel for England since the last Committee meeting. The possible lessons to be learnt for Leeds City Council are highlighted in bold at the end of each summary.

7.0 Recommendations

7.1 Members of the Committee are asked to note the latest decisions of the Adjudication Panel's case tribunals, and consider if there are any lessons to be learned for Leeds.