



CODE OF CONDUCT FOR MEMBERS: DECISION NOTICE

Complaint Reference 2016/011

Complaint

A complaint was received about the conduct of Councillor George Allen, a Member of East Staffordshire Borough Council, from Mr Christopher Ebbberley, the Deputy Monitoring Officer for East Staffordshire Borough Council and the Deputy Count Officer for the EU Referendum.

A general summary of the complaint is set out below:

It is said that Councillor Allen tweeted information about the turnout at his local polling station prior to the close of polls on the 23rd June 2016 and that in the early hours of 24th June 2016 he tweeted the East Staffordshire results in advance of the official declaration. Following the referendum, Councillor Allen attended two meetings at which he was asked to provide an explanation for the tweet prior to close of polls. The Leader of the Council, the Conservative Group Whip, the Council's Chief Executive and the Monitoring Officer were all in attendance at the first meeting. The Leader of the Council was unable to attend the second meeting.

It is further alleged that Councillor Allen has not been truthful in his dealings with officers and members of the Council.

On the face of it, the matters complained of amounted to a breach of paragraph 3.7 of the code of Conduct "Councillors must not disclose information given to them in confidence by anyone, or information acquired by them which they believe, or ought reasonably to be aware, is of a confidential nature", paragraph 3.9 of the Code of Conduct: "Councillors must not conduct themselves in a manner which could reasonably be regarded as bringing their office or the Council into disrepute.", paragraph 3.1 of the Code of Conduct "Councillors must treat others with respect" and breach of paragraph 8.1 of the Councils Social Media Policy for Councillors. In addition, there was a possibility that Councillor Allen's actions placed him in breach of the sixth of the General Principles of the Code of Conduct for Councillors: "Councillors should be truthful"

Having consulted with the Independent Person, the Monitoring Officer decided to refer the complaint for investigation and she appointed an independent Investigating Officer to undertake the task.

The Investigating Officer found there was not a breach of paragraph 3.7 as she was unable to determine whether the tweet posted at 03.39 on 24th June 2016 was posted before or after the official declaration.

The Investigating Officer found evidence of breaches of 3.1, 3.9 and 3.12 of the Code of Conduct for Councillors and paragraph 8.1 of the Council's Social Media Policy.

She recommended that the complaint should be referred to the Standards Committee for further consideration.

The complaint was heard by the Standards Committee at a meeting on Tuesday 28th February 2017 at 6.30pm in the Coltman VC Room, Town Hall, Burton upon Trent.

The complaint has been considered in accordance with the Standards Committee Complaints Procedures at Part 4L of the Council's Constitution.

Decision

Having considered the papers; having heard submissions from the Investigating Officer, the Monitoring Officer and from Councillor Allen; and having considered the views of the Independent Person, the Committee found that Councillor George Allen had breached paragraphs 3.1, 3.9 and 3.12 of the Council's Code of Conduct and paragraph 8.1 of the Council's Social Media Policy for Councillors.

The Committee was then required to consider which, if any, of the sanctions contained at paragraph 13.5 of the Code of Conduct, to impose on Councillor Allen. In reaching its decision the Committee considered the submissions of the Investigating Officer and the views of the Independent Person. The Committee imposed the following sanctions:

13.5.1 Publish its findings in respect of Councillor Allen's conduct;

13.5.2 Report its findings in respect to the Council for information.

13.5.6 Instruct the Monitoring Officer to arrange for full training for Councillor Allen on the Council's Social Media Policy for Councillors and the Council's Code of Conduct within 30 days of the date of this decision.

Reasons for decision

Councillor Allen had denied that he had been untruthful in his dealings with officers and members of the Council. Councillor Allen had denied that the use of his Twitter handle @cllrGeorgeAllen could create the impression that he

was acting in his official capacity. Councillor Allen had denied that when he posted a tweet on 23rd June 2016 at 21.15 and a further tweet posted on 24th June 2016 at 03.39 he had been in breach of paragraph 8.1 of the Council's Social Media Policy for Councillors. The Council expected the highest standards of conduct from its Councillors and in breaching the Code of Conduct and the Social Media Policy Councillor Allen had fallen far short of the required standard. The Standards Committee viewed the matter extremely seriously and for that reason, the Standards Committee determined that it was appropriate to impose the range of sanctions outlined above.

Notice of decision

This decision notice will be sent to the person or persons making the allegation and the Member against whom the allegation was made. The decision will also be reported to the next ordinary meeting of the Standards Committee.

Appeal of decision

There is no right of appeal for the Complainant or for the Councillor against a decision of the Standards Committee.

If someone feels that the Council has failed to deal with a Complaint properly, they may make a complaint through the Council's ordinary complaints process. This process would not re-consider the original complaint but would consider the way in which the complaint had been handled.

Terms of reference and Complaints Procedures

The Terms of Reference of the Standards Committee and its Complaints Procedures are available on the Council's website (www.eaststaffsbc.gov.uk) and from the Monitoring Officer.

Additional Help

If you need additional support in relation to this decision notice or future contact with us, please let us know as soon as possible. If you have difficulty reading this decision notice we can make reasonable adjustments to assist you, in line with the requirements of the Disability Discrimination Act 2000.

We can also help if English is not your first language.

2nd March 2017

Angela Wakefield,
Monitoring Officer,
East Staffordshire Borough Council
The Maltsters,
Wetmore Road,
Burton upon Trent,
Staffordshire DE14 1LS