

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

Standards Committee

6th September 2010

1. **CASE SUMMARIES**

Report of the Monitoring Officer.

RECOMMENDED

THAT Members note the contents of the report and the decisions of the First-Tier Tribunal at Appendix 1 and Appendix 2 and to consider any issues for the authority.

2. **PURPOSE OF REPORT**

- 2.1 The purpose of the report is to bring to Members' attention recently decided cases which illustrate several aspects of the Code of Conduct for Members and contains useful analysis of the types of factors which determine whether there has been a breach of the Code.

3. **BACKGROUND**

- 3.1 From Spring 2008 the Standards Committee has had responsibility for much of the casework relating to the ethical standards framework. However, there have been no complaints received against the members of the authority.
- 3.2 As well as complying with legislation and guidance the Standards Committee will need to demonstrate learning from issues arising from local investigations and determinations. Further it would be advisable for Standards Committee to be kept informed of any particularly notable cases which are publicised by the Standards Board or the Adjudication Panel as they may also add to learning at the local level. It is important to note the type of cases where either there is found to be no breach or where it is determined that no action should be taken as well as cases where sanctions are imposed. Compliance with the law, decided cases, guidance and good practice will increase the effectiveness of the ethical framework within the authority and minimise the risk of intervention from the Standards Board or the Courts.

- 3.3 The case at Appendix 1 relates to a member of Bury Metropolitan Borough Council against the Standards Committee decision. The action of the Standards Committee was to suspend the appellant and the Tribunal rejected the findings of the Standards Committee in relation to the sanction. The background to the case related to personal and prejudicial interests.
- 3.4 The case at Appendix 2 relates to an application from Wigan Council's Standards Committee in relation to an allegation that Councillor Robert Bleakley had failed to comply with paragraphs 3(1) and 3(2)(b) of Wigan Borough Council's Code of Conduct by behaving in an intimidating manner towards Mrs Pat Shacklock, Team Leader employed by Wigan Council, then refusing to communicate with her directly and expressing derogatory comments about her to her colleagues. The case demonstrates events that occurred due to clear differences in opinion between senior officers and Councillor Bleakley as to how the policy on Neighbourhood Teams was intended to operate, although some of these issues have been worked through to some degree of satisfaction. The Councillor was found to have treated the officer with disrespect and to have bullied her and was suspended from the Council and required to make an apology.

4. **EQUALITY IMPACT ASSESSMENT**

In preparing this report an initial Equality Impact Assessment is not required and has not been carried out.

5. **LEGAL IMPLICATIONS**

- 5.1 By considering national cases of significance the Standards Committee will be better informed and placed to discharge duties in relation to local assessments, reviews, referrals, investigations and determinations. It is as important to note the type of cases where investigation and action is not considered appropriate as it is to look at the cases which contain serious breaches of the Code of Conduct.
- 5.2 If the Standards Committee and the authority do not learn from national cases of significance they may be perceived as having less than effective ethical governance arrangements and this may increase the risk of attention from the Standards Board who act as regulator.

6. **FINANCIAL IMPLICATIONS**

6.1 There are no resource implications arising from this report.

N SHARMA
MONITORING OFFICER

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