

## **Training Session held at Bridgwater – 5<sup>th</sup> October 2007.**

### **Summary**

The training was undertaken by Peter Keith-Lucas, Partner and specialist on the Code of Conduct with Bevan Britton.

- 1 He hoped the Bill would be approved in October but it depends if there is an election which would delay it.
- 2 All complaints will be addressed to the Standards Committee from next May and the allegation will be by letter only and not a set form.
- 3 It will be for the SC to decide if they wish to investigate, refer to the Standards Board or take no action. In some cases the investigation can be adjourned for further clarification. The complainant may request the SC to reconsider their refusal to investigate.
- 4 We will need to set up a 'referral committee' which is prepared to meet at short notice. He suggested the RC may wish to arrange meetings at 3 weekly intervals and if no complaints are received, then the meeting can be cancelled.
- 5 We will also need a 'review committee' so that the Monitoring Officer and other staff may review allegations to be proceeded with and prepare reports for the MO to sign off. They would also advise the Referral Committee of other information required.
- 6 Authorities would need to consider the cost implication of the new system and make provision. His estimate of the cost to investigate an allegation to be heard was £8,000.
- 7 We should consider if our committee is sufficient to deal with the workload. Whilst we may have enough independent members, he did advocate that we should have one Councillor (of the same political party) sitting on a sub-committee as well as a Parish representative if the allegation concerned a Parish Councillor.
- 8 He thought that our maximum penalty would be increased to one of 9 months' suspension.
- 9 I believe there is a need in the coming months to produce a set of guidelines for each sub-committee to work to so that the committee can have in place by May a procedure for hearing complaints and for members to be designated to a sub-committee. This would include crib sheets, Chairman's notes etc and samples of these were given to us at the meeting.
- 10 He emphasized the importance of having a structure in place so that we can record not only the allegations but also our findings since these may be required in the event of an appeal.
- 11 We need to decide if we will have 3 members or 5 or some other number sitting on the referral committee and hearings panel.
- 12 The speaker also covered the functions of the sub-committees but it may be better to leave this until we have suitable training including the types of allegations we are likely to meet. However, you may wish to have sight of some of the sample cases we discussed and perhaps at our meeting we can spend 15/20 minutes looking at the issues.

David Baker  
Chairman  
5<sup>th</sup> October 2007.

Middleton Borough Council

Standards Committee

Referrals Panel Decision Sheet

	Investigate	<u>Don't</u>	Other actions or recommendations
		investigate	
Middleton District Council			
Allegation by Councillor Claire Booth in respect of Councillor Robert Smith, Middleton District Council			
Allegation by Mrs. Alison Buckingham in respect of Councillor Robert Smith, Middleton District Council			
Allegation by Councillor Tom Ellis, Middleton District Council, in respect of Councillor Robert Smith			
Other Town Councils			
Allegation by Mr. Martin Carroll in respect of Councillor Stephen Hughes, Toddington Town Council			

**Agenda Item 5b}**  
**For resolution**

**To the Chairman of the Standards  
Committee**

From Councillor Mrs. Claire Booth  
The Members' Room  
Middleton Council Offices  
Upton Road  
Middleton  
UP5 3ST  
5<sup>th</sup> April 2008

Dear Sir,

Re. Councillor Robert Smith

I write to make a formal complaint in respect of the conduct of Councillor Robert Smith.

I have been on the Council for a year now and I have continually been shocked by Councillor Smith's total failure to treat others with respect, especially during formal meetings of the Council and its Committees.

As you will be aware, I was elected to the position of Vice Chairman of Development Control Committee and, as Councillor Mrs. Johnson was absent from the meeting of the Committee on Wednesday 28th March, this was the first meeting at which I had to take the chair.

Councillor Smith was behaving in his usual boorish manner, leaping to his feet to speak on a number of items when I had clearly indicated for another member to speak, not giving the slightest indication of listening to any other speaker, noisily shuffling papers, and making loud aside comments either to Councillor Webster who sits beside him or in the direction of the Press Bench.

At one point I had to ask him to keep his remarks to his official speeches and not to interrupt other speakers, after I overheard him use the phrase "daft old biddy" when Councillor Mrs. Howe got up to speak on the item on the redevelopment proposals for the Upton Road Hospital site.

After that, he ostentatiously pulled a paperback novel out of his brief case and proceeded to read it for the next 10 minutes while the Committee debated this item, before noisily putting it and his other papers back in his briefcase and then walking out while another Councillor was speaking, ostentatiously winking and smiling at the Press Bench.

When I spoke to him in the Members' Room after the meeting, he told me that "if I could not keep control in a meeting, I should not try to act as Chairman", and he then turned his back and walked away. He was talking to Councillor Webster at the time, and I am sure that he can confirm the exchange.

I have tried, and on occasion Councillor Mrs. Johnson has tried, to restrain his behaviour both by a quiet word, or a formal warning from the Chair. It has no effect. His conduct is most disruptive to other Councillors, and to members of the public. As he will not respond to any informal advice, I have no alternative but to make this formal complaint.

Yours sincerely,

To the Chairman of the Standards  
Committee

From Mrs. Alison Buckingham  
Middleton Council Offices  
Upton Road  
Middleton  
UPS 3ST  
5th April 2008

Dear Sir,

**Re. Councillor Robert Smith**

I write to make a formal complaint that Councillor Robert Smith acted in a blatantly racist manner at last week's Equalities Workshop and thereby acted in breach of the Members' Code of Conduct.

Last Friday, as the Council's Head of Community Development, I organised a day's workshop for Councillors at Downton Hall, to explore current issues relating to community development as they affect the discharge of the authorities functions, particularly in the light of the recent adverse comments in the annual Audit Management letter and the recommendations of CRE following the disorders in the Victoria Street areas of the town.

As one of the exercises, I split the Councillors, supporting officers and representatives of partner organisations into smaller working groups to brain storm on particular issues of immediate local' importance. Councillor Smith was part of a group of ten, including the representatives from the Police and from UNISON, who were asked to address the issue of the impact of the increasing drugs traffic on local communities. I set the group a scenario which was based upon the St Pauls area of Bristol, where there is an extensive local drugs culture which has hindered the regeneration of this part of the City. The scenario set out the history of this trade, with the influx of people of West Indian origin, and more recently of Somali origin, leading to often violent competition for control of the area and of the drugs trade.

When we were brain-storming possible solutions to this problem, Councillor Smith suggested that the answer was to re-patriate the West Indian and Somali populations. When it was pointed out to him that many of the local residents were third or fourth generation British citizens, and did not possess West Indian or Somali citizenship, he begrudgingly revised his suggestion to the deportation of all illegal immigrants. Chief Superintendent David Hutton raised the possibility of engaging in dialogue with local community leaders, and Councillor Smith then cut in to say that we would need to be very cautious in case the elders were themselves involved in the drugs trade. When challenged on this point, and the implicit assumption that elders in the St Pauls area would be involved in such activity, he said that he had personal experience of Colombia, where he said that the drugs cartels were controlled on family and tribal lines, and that you had to assume that if members of one group were involved in the drugs trade, then other members of the same group would also be. He also said that the fact that, as he put it, so many of the Somali community were either refugees or illegal immigrants, and the total lawlessness of Somalia, meant that the community did not engage with the law in Britain and had ready access to firearms.

When we remonstrated with Councillor Smith that he was applying prejudiced and racist stereotypes, and failing to recognise the historic cultures from which these two diverse communities came, he took great exception and thereafter limited his participation of a few disapproving snorts and grunts.

When we were taking time out to try to address such serious issues in a collaborative and constructive manner, Councillor Smith's prejudiced and racist stereotyping of whole communities, and his refusal to engage in the constructive dialogue within the group, in the presence of officers of the authority and of representatives of partner organisations, created a defensive climate and prevented the working group from effectively exploring these sensitive issues. His attitude was noticed and remarked upon by a number of those who were present and clearly brought his office and the authority into disrepute.

Yours sincerely,

(Mrs.) Alison Buckingham  
Head of Community Development  
Middleton Borough Council



**Agenda Item 5(f)**  
**For resolution**

By Email from councillor.tom.ellis@middleton.gov.uk

"To the Standards Committee

I wish to register a formal complaint against the conduct of Councillor Robert Smith, a member of Middleton District Council.

Councillor Mark Calverley is a member of both Middleton District Council and of Midshire County Council, where he and I are members of the Schools Organisation Committee.

During a debate at the Schools Organisation Committee meeting, held on 1 March 2008, regarding the proposed closure of Staveley School, in response to the question by Councillor Mark Calverley, "Are we doing the best thing for the children of Staveley Estate by closing the School and forcing them to go to other schools?", Councillor Smith replied "Of course it is best for them, they are all the children of junkies and smack heads anyway, it will give them something better to aim at, being put with normal people rather than being dragged down at Staveley".

This was witnessed by another member of the Schools Organisation Committee. In making such a sweeping generalisation, Councillor Smith has denigrated the people of Staveley, failed to show respect and brought her Office and the Authority into disrepute. In addition, Staveley Estate is an area of high minority ethnic population.

The Councillor Code of Conduct requires that:

You must treat others with respect

You must not do anything which may cause your authority to breach any of the equality enactments.

You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

I request your consideration of this matter and early email reply.

Yours sincerely,

To the Chairman Standards  
Committee Middleton  
District Council Offices  
Uipton Road  
Middleton  
UP5 3ST

Dovecot Antiques Ltd  
1 Mill Street Toddington  
UP12 3HD  
2nd May 2008

Dear Sir,

Complaint in respect of Town Councillor Stephen Hughes

I enclose two deed boxes which comprise all the agendas and working papers in respect of the Toddington Town Council's consideration of the Toddington Town Centre Scheme, including the proposals for the pedestrianisation of Mill Street.

You will see how Town Councillor Stephen Hughes has consistently failed to listen to the concerns of businesses in the Town Centre and ploughed on with his personal preference for prettification of the Town Centre in a manner which would cause it to become a commercial Ghost Town.

It is clear from this documentation that he has failed to treat the traders with respect, consistently ignored their opinions and interests, and brought both his office and the Town Council into disrepute.

Yours sincerely,

Martin Carroll  
Director Dovecot  
Antiques