

GREATER LONDON AUTHORITY GUIDANCE ON USE OF LANGUAGE AND BEHAVIOUR

This Guidance is for use by Assembly Members, the Mayor and co-opted Members of the Standards Committee. It expands on the Greater London Authority's ("the GLA's") Code of Conduct ("the Code") to enable Assembly Members, the Mayor and co-opted Members to have further clarity on how to carry out their duties in accordance with the law and the GLA's Code.

The Guidance sets out the legal background, how to apply the Code and legislation in practice, as well as providing examples from the Standards Board website in an Annexe attached. This Guidance provides general advice on what is acceptable behaviour, however, it is important to note that it is only advisory, does not have any legal basis, and does not form part of the Code. Any allegation of a breach of the Code will be looked at on a case by case basis and will be determined on the particular facts of the case.

1. Legal Background

1.1 The Code of Conduct

The GLA's Code is adopted pursuant to section 51 of the Local Government Act 2000. The Code provides a framework of behavioural standards that Assembly Members, the Mayor and co-opted Members of the Standards Committee must adhere to. The paragraphs of the Code which are of relevance to language and behaviour are:

Paragraph 2 of the code only has effect in relation to activities undertaken in an official capacity.

2. A member must –

- (a) promote equality by not discriminating unlawfully against any person;*
- (b) treat others with respect; and*
- (c) not do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.*

Paragraph 4 of the Code extends to any circumstance whether in an official or personal capacity.

4. A member must not in his official capacity, or any other circumstance, conduct himself in a manner which could reasonably be regarded as bringing his office or the Authority into disrepute.

The Code is broadly drafted as a guide to the conduct expected of Assembly Members, the Mayor and co-opted Members of the Standards Committee. The Code then must be applied to each and every circumstance. Judging

whether someone has behaved ethically depends on the particular circumstances and as the Standards Board Case Review 1 states “*Where there is room for doubt, members and those advising them, should always strive to adhere to the spirit of the Code: the promotion of the highest standards of conduct among those who hold public office*”(Page 7)

An allegation of a breach of Paragraph 2 or 4 of the Code may result in a local Standards Committee or Standards Board investigation, and if an Assembly Member, Mayor or co-opted Member is found to have breached the Code then (s)he will face potential sanctions.

1.2. Relevant Authorities (General Principles) Order 2001

Assembly Members, the Mayor and co-opted Members must also bear in mind the Relevant Authorities (General Principles) Order 2001, which underpins the Code. The principles to bear in mind are:

Honesty and Integrity

Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Respect for Others

Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

Leadership

Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

1.3 Anti-discrimination legislation

Assembly Members, the Mayor and co-opted Members are free to express opinions or beliefs on these, as well as any other issues. They must have due regard to the various anti-discrimination acts (sex, race, disability, sexual orientation, religion and belief and age (from 1 October 2006)) and the duty to promote racial equality under the Race Relations (Amendment) Act 2000 when they express their views

1.4 Defamation and qualified privilege

A defamatory statement is one that tends to lower a person in the estimation of right-thinking members of society generally.

Assembly Members, the Mayor and co-opted Members can be sued for defamation for saying or writing anything that covers the above definition.

However, Assembly Members, the Mayor and co-opted Members have some limited protection in their capacity as potential decision makers to enable freedom of speech. The protection rests with the defence of qualified privilege under the Defamation Act 1996. Qualified privilege applies for the most part on anything that is said or reported in Assembly/ Committee meetings, however, this does not mean that anything can be said in these meetings. This defence can be used if Assembly Members, the Mayor or Co-opted Members say something in defending or supporting the interests of the Authority, or as part of their duty. However, qualified privilege only applies if they honestly believe what they are saying and do not say it out of malice.

2. Applying the Code to standards of behaviour and language

The Code aims to promote positive, vigorous political debate while setting standards for what members can and cannot do and say in the course of their duties. The Standards Board believes that members should be careful that their language and approach do not cross the boundary into disrespect.

Simple name calling, political point scoring or mild rude and inappropriate language would not be serious enough to breach the Code. Members are free to express their views in an open and robust way.

However, if the abuse is malicious, persistent, disruptive, accompanied by threats of violence, or if a member abuses officers or members of the public (who do not have the same platform to defend themselves as members do) this may be a breach of the Code.

The duty to treat others with respect could cover almost any example of unreasonable, demeaning or unfair behaviour. Members are free to express opinions. To assess whether you are behaving respectfully or not can be decided by whether a member is articulating an opinion or argument or whether it is aimed at the person and their personal characteristics. The context of those opinions also has to be taken into account.

Members must not bully and must treat the public courteously and with consideration. Where there is a pattern of inappropriate behaviour this can lead to an investigation and potential breach of the Code.

2.1 Can and can't

Can

- Express opinion on matters in a robust manner as part of the cut and thrust of political debate
- Express disagreement with others including officers
- In the appropriate context criticise the way in which a person or an officer handled particular matters

- Criticise policies.

Can't

- Make malicious, false or offensive allegations
- Use the opportunity of a public meeting or platform to make bullying or inappropriate comments
- Be unfair, unreasonable or demeaning
- Heckle abusively, display abusive or disruptive behaviour
- Verbally abuse employees

2.2 Confidentiality and the implied term of mutual trust and confidence

Section 1001 (1) of the Local Government Act 1972 provides that in certain limited circumstances the Assembly, committee and sub-committee meetings may exclude the press and public where “exempt information” would be disclosed. This includes information relating to a particular employee, former employee, applicant to become an employee, office-holder, former office-holder or applicant to become an office-holder at the GLA. It is important that at meetings set out above Assembly Members, the Mayor and co-opted Members do not discuss matters relating to individual members of staff without ensuring that the meeting is held in private.

There is a duty on the part of both the part of the GLA as the employer, and individual employees not to act in a manner which jeopardises the implied term of mutual trust and confidence. It is important that information regarding individual employees is not discussed by Assembly Members, the Mayor or co-opted Members in public as this could lead to a potential claim by the employee concerned.

ANNEXE

It is not possible to specify the language or behaviour which will result in sanctions and which will not because each case is decided on its particular merits and in its own context, however the cases below give some examples of the kinds of language and behaviour that have been deemed to be acceptable or unacceptable.

1. Specific language from Standards Board and other Standards Committee cases

(a) “That’s a load of crap” was deemed not to be a potential breach as the remarks were attached to the idea rather than the person.

(b) “Bald headed git” and “I’ll wait for you outside” said by one member to another member in a public meeting was found to be breach of the Code by not treating the other member with respect and brought his office or authority into disrepute.

(c) “If you don’t shut up, I’ll come back and shut you up” said by one member to another was found to be a breach of the Code by failing to treat the member with respect.

(d) A member made derogatory remarks about staff and this was found not to be a breach because he did not make the remarks directly to these people, but because he was unhappy with aspects of their own behaviour.

(e) Extreme abusive language to other members was deemed to be a potential breach as the alleged abuse was extreme and deliberately offensive to other members, rather than part of a legitimate debate.

(f) A councillor called some local constituents “down and outs”. This was found not to be discriminatory and not a breach of the code.

2. Specific Standards Board cases:

2.1 Breach of the Code of Conduct

Case 1

A complainant alleged that a Councillor verbally abused a woman who worked as a cleaner in the council's offices after a minor traffic accident. The Councillor told her he was going to report the incident to her employer. The case tribunal considered that the Councillor had brought his office into disrepute by bullying the woman and by using his position as a councillor to frighten her into believing she would lose her job.

In a separate case, a complainant alleged that the Councillor shouted at a member of the public during a phone conversation on 16 March 2002 for

objecting to a playground application. The Councillor allegedly said that she had no right to contact another councillor about the application.

The Adjudication Panel for England's case tribunal considered that the Councillor sought to influence the woman's views as an objector to the application, and sought to discourage her from exercising her democratic right to approach another councillor. It also considered that he was aggressive and domineering during the conversation. It reached the view that he failed to treat her with respect.

The Councillor was a member of the committee that was due to consider the playground application, and the case tribunal considered that his conduct in contacting an objector to the application brought his office or authority into disrepute.

Finally, a complainant alleged that the Councillor published false allegations in a party political leaflet, distributed in March 2002. The Councillor claimed that the council was investigating a leaflet issued by another party, which accused his party of mishandling the clean-up of an estate, as well as allegations that two members of the other party had intimidated a council officer into delaying the clean-up.

The case tribunal considered that the statements in the Councillor's leaflet were false and seriously damaged the reputations of the councillors and the council officer concerned. It found that the Councillor failed to treat others with respect and brought his office into disrepute.

The Councillor asserted in his leaflet that the council was investigating his allegations, but he only reported them to the Monitoring Officer five months after the alleged incidents. The case tribunal considered that he then failed to answer the Monitoring Officer's proper enquiries, lied about the existence of witness statements and correspondence, and wrote abusive emails that hampered her work. The case tribunal also believed that the Councillor later misled the Ethical Standards Officer during his investigation.

The case tribunal further considered that the Councillor tried to bully the Monitoring Officer into not informing the councillors concerned about the steps that had been taken in a way that was likely to compromise an impartial investigation. Moreover, the Councillor acted in a way that was likely to compromise the council officer's impartiality by falsely claiming that he had yielded to improper pressure.

The case tribunal came to the overall conclusion that the Councillor had failed to comply with the Code of Conduct by bringing his office or authority into disrepute, compromising the impartiality of council officers and failing to treat others with respect. The case tribunal regarded the Councillor's aggressive and bullying conduct during these incidents and at the hearing with great concern. It was also concerned by the Councillor's dishonesty in relation to the allegation about his leaflet, and found him to be an unreliable witness. Because of these factors, the case tribunal believed that the Councillor was

unfit for public office, and therefore disqualified him for three years from serving as a member of a local authority.

Relevant Paragraphs of the Code of Conduct

The allegation in this case relates to Paragraphs 2(b), 2(c) and 4 of the Code of Conduct.

Case 2

It was alleged that the Councillor failed to treat housing officers with respect when she named and criticised them in two publications that were distributed to local residents. It was also alleged that the Councillor failed to treat another officer with respect when she replied to a letter he had written requesting further information. The Councillor allegedly threatened the officer and failed to respond reasonably to his requests.

The Ethical Standards Officer considered that the Councillor did not act in an appropriate way when she criticised and publicly named the housing officers. The Ethical Standards Officer considered that the Councillor made disparaging remarks and there was no evidence that her comments were true. The Ethical Standards Officer found that the Councillor failed to treat the housing officers with respect. The Ethical Standards Officer also considered that the Councillor made unfounded criticisms in her response to the other officer and threatened serious disciplinary actions when she had no reasonable grounds to do so. The Ethical Standards Officer found that the Councillor failed to treat the officer with respect. The Ethical Standards Officer referred these matters to the Adjudication Panel for England for determination by a tribunal.

The Adjudication Panel for England's case tribunal considered that the Councillor's behaviour fell far short of the required standards and that there were no reasonable grounds for her criticism of the officers. Furthermore, making a threat without any reasonable grounds was a very serious matter. The case tribunal found that the Councillor failed to comply with the Code of Conduct.

The case tribunal noted that the Councillor was a relatively inexperienced councillor who was under stress during an election campaign and that normal working relationships appeared to resume after the incident. Taking this into account, the case tribunal decided to suspend the Councillor for five months.

Relevant Paragraphs of the Code of Conduct

The allegation relates to Paragraph 2(b) of the Code of Conduct.

Case 3

It was alleged that the Councillor failed to treat council employees and fellow councillors with respect on several occasions between July 2003 and November 2004. It was alleged that the Councillor subjected staff to unwarranted criticism, attacked their personal and professional integrity,

threatened them, was rude, abusive and inappropriate both face to face, on the phone and via email. Through his actions it was alleged that the Councillor brought his office into disrepute.

The Ethical Standards Officer considered that Councillor's behaviour had prompted the council's standards committee to suspend the Councillor from all committee meetings for three months and restrict his dealings with council staff. Following the hearing the Councillor's behaviour was still cause for concern and was described as 'disgraceful' by the Chief Executive.

The Ethical Standards Officer referred the matter to the Adjudication Panel for England for determination.

The case tribunal considered that on numerous occasions the Councillor had acted inappropriately and unreasonably by addressing council members and staff in a rude and offensive manner. The case tribunal considered that the Councillor had been acting in his official capacity at the time of these incidents and many of them had occurred in public and were witnessed by others. The case tribunal considered that the Councillor had therefore failed to treat others with respect and brought his office into disrepute. The case tribunal took into account that the Councillor had already been suspended from committee meetings for three months by the standards committee.

The case tribunal decided that the Councillor should be suspended for three months.

Relevant Paragraphs of the Code of Conduct

The allegation in this case relates to Paragraphs 2(b) and 4 of the Code of Conduct.

Case 4

Two separate allegations were made concerning the alleged behaviour of a Councillor. The first complaint alleged that the Councillor had, by his actions and comments over a period of 20 months, failed to treat the complainant with respect. The Councillor allegedly put the complainant under severe pressure and undermined his position and credibility within the council through aggressive and offensive personal attacks. The complainant alleged that the Councillor was particularly disrespectful at meetings.

The second complainant alleged that, at a meeting of the council's scrutiny committee, the Councillor failed to treat him with respect. The Councillor allegedly inappropriately directed questions to the complainant instead of the relevant portfolio holder, interrupted the complainant whilst he was speaking and spoke to him in a raised voice, and accused the complainant of withholding information from members and misleading members. The complainant also alleged that, following the meeting, the Councillor made a threatening comment to him and that the Councillor's criticisms were paraphrased in the local press, leading to a negative impact on the complainant's reputation.

The Councillor stated that although he had a clear, loud speaking voice he did not shout at the complainants. The Councillor also stated that he had high professional standards and that it was his job to seek answers on behalf of his constituents.

The Standards Committee considered the two allegations separately. In relation to the first complaint, the Standards Committee considered that The Councillor behaved inappropriately towards the complainant at the meetings and that the Councillor's conduct amounted to a personal attack on the complainant's competence and professionalism at the meetings. In coming to its decision, the Standards Committee took into account the Councillor's inability or unwillingness to follow procedure, that he had failed to modify his behaviour despite a previous complaint and a warning from another member, and that his conduct had occurred over a sustained period of time. The Standards Committee found that through his actions the Councillor failed to treat the complainant with respect and brought his office or authority into disrepute. The Standards Committee suspended the Councillor for three months and required that the Councillor undertake training on understanding the Code of Conduct, on protocols for raising concern over officer behaviour and on officer and member roles and relationships.

In relation to the second allegation, the Standards Committee considered that the Councillor's comments at the meeting on 19 February 2004 were a targeted personal attack on the complainant. The Standards Committee considered that the Councillor accused the complainant, in a public meeting, of withholding important financial information from council members and that this was a very serious charge which disturbed the complainant by the manner in which it was made. The Standards Committee also considered that the Councillor's comment to the complainant after the meeting could be regarded as threatening. The Standards Committee found that, in relation to these incidents, the Councillor failed to treat the complainant with respect.

The Standards Committee considered the Councillor's failure to comply with the Code of Conduct was a serious breach and that his comments to the complainant were particularly disrespectful. The Standards Committee suspended the Councillor for three months, to run concurrently with the suspension given in regard to the first complaint, and imposed the same training requirements.

The Standards Committee recommended that the Council: - reviews its training arrangements to ensure that all members have proper understanding of the Code of Conduct - ensures that all members have guidance on how they should appropriately raise concerns about an officer's conduct - reviews training arrangements to ensure that all members have a proper understanding of the roles of officers and members.

Relevant Paragraphs of the Code of Conduct

The allegation in this case relates to Paragraphs 2(b) and 4 of the Code of Conduct.

Case 5

It was alleged that the Councillor bullied and harassed the clerk of the Council on a number of occasions. It was also alleged that the Councillor bullied the Chair of the council and disrupted meetings. The Councillor allegedly refused to allow a council meeting to progress, refused to listen to other members, and threatened to report councillors to the Standards Board for England. She also allegedly stood in the doorway of the parish council office to intimidate the clerk. The Councillor allegedly suggested that the Chair of the council feign illness to let someone else chair a council meeting.

Finally, it was alleged that the Councillor demanded that the clerk meet her early the following day after a late-night meeting.

The Ethical Standards Officer referred these matters to the Monitoring Officer at South Gloucestershire Council for determination by the Standards Committee.

The Standards Committee considered that the allegations against the Councillor were proven. The Standards Committee decided that the Councillor failed to comply with the Code of Conduct by failing to treat the clerk with respect and by bringing her office and authority into disrepute when she suggested that the Chair feign illness later in the same month.

The Standards Committee considered that there had been a fundamental breakdown in the relationship between the Councillor and other members of the council. The Standards Committee decided to suspend the Councillor for three months from 1 September 2005. The Standards Committee also decided to restrict the Councillor's access to the parish council's premises and resources for three months, with immediate effect.

The Standards Committee recommended that all members of the parish council complete training on the conduct of meetings.

The member appealed to the Adjudication Panel for England. The Adjudication Panel decided that the existing sanction was excessive, and it required the standards committee to merely censure the member.

Relevant Paragraphs of the Code of Conduct

The allegation in this case relates to Paragraphs 2(b) and 4 of the Code of Conduct.

Case 6

It was alleged that the Councillor failed to treat the town clerk with respect during an incident in July 2003. It was also alleged that the Councillor spoke and acted in an aggressive manner towards a councillor and the assistant clerk in a public place. The Ethical Standards Officer referred these matters to

Council's Monitoring Officer for determination by the council's Standards Committee.

The Standards Committee found that the Councillor upset and offended the clerk by the way he expressed himself. The Standards Committee also found that the Councillor was angry after a planning committee was cancelled, and behaved in a way which was seen as aggressive or frightening. The Standards Committee concluded that the Councillor failed to comply with the Code of Conduct by failing to treat the member, the clerk and the assistant clerk with respect.

The Standards Committee considered that this was a serious breach of the Code of Conduct and it decided to censure the Councillor for his conduct. The Standards Committee recommended that the Council provide training for councillors.

Relevant Paragraphs of the Code of Conduct

The allegation in this case relates to Paragraph 2(b) of the Code of Conduct.

Case 7

It was alleged that the Councillor failed to treat another member with respect after a meeting on 25 March 2003. The Councillor, as he was leaving the meeting, allegedly said to the member "If you don't shut up, I'll come back and shut you up". The Ethical Standards Officer referred this matter to the Monitoring Officer for determination by the Standards Committee.

The Standards Committee found that the Councillor did make a remark with words to the effect of "If you don't shut up, I'll come back and shut you up." The Standards Committee considered that while this was not a threat, it was an inappropriate and unreasonable comment. The Standards Committee concluded that the Councillor failed to comply with the Code of Conduct by failing to treat the member and others at the meeting with respect. The Standards Committee took into account the nature of the Councillor's misconduct and the extent to which he was provoked. The Standards Committee decided to formally censure the Councillor for his conduct.

Relevant Paragraphs of the Code of Conduct

The allegation in this case relates to Paragraph 2(b) of the Code of Conduct.

2.2 No breach of the Code of Conduct

Case 1

It was alleged that the Councillor made disrespectful comments towards two members of the public during a heated email exchange between 18 and 24 October 2004.

The Councillor said that one of the members of the public set the tone for the email exchange by seemingly questioning his integrity and that of council

officers. The Councillor said he defended himself against the comments but he accepted that certain comments made later in the email exchange had been foolish and unprofessional.

The Ethical Standards Officer considered that the Councillor made inconsiderate and offensive comments about the personal finances of one of the members of the public. The Ethical Standards Officer concluded that the Councillor failed to treat this person with respect and so failed to comply with the Code of Conduct.

The Ethical Standards Officer noted that the Councillor apologised to the member of the public concerned. In these circumstances, the Ethical Standards Officer found that no action needs to be taken in relation to this matter.

Relevant Paragraphs of the Code of Conduct

The allegation in this case relates to Paragraph 2(b) of the Code of Conduct.

Case 2

It was alleged that the Councillor, a member of the Town Council, verbally abused and physically threatened one of his neighbours. It was also alleged that the Councillor parked his van in front of another neighbour's house with various signs displayed on it stating that the first neighbour was a "liar".

The requirement to treat others with respect under the Code of Conduct only applies when members are acting in an official capacity. The Ethical Standards Officer considered that these were private incidents and the Councillor was not acting in his official capacity. The Ethical Standards Officer therefore did not consider that the Councillor had breached the Code of Conduct by failing to treat others with respect.

The Ethical Standards Officer did not consider that the Councillors' conduct had a bearing on his official role or the performance of his public duties. The Ethical Standards Officer therefore did not consider that the Councillor had brought his office or authority into disrepute.

The Ethical Standards Officer found that there was no evidence of any failure to comply with the Code of Conduct.

Relevant Paragraphs of the Code of Conduct

The allegation in this case relates to Paragraphs 2(b) and 4 of the Code of Conduct.

Case 3

The complainant alleged that the Councillor disrupted a community meeting at a venue on 26 May 2005. The complainant claimed that the Councillor used inappropriate and abusive language and acted in a way that intimidated those at the meeting. The Councillor admitted swearing but said he was provoked.

His account of the incident was supported by evidence provided by his wife and a friend. The Ethical Standards Officer considered that the Councillor did not fail to treat others with respect, as he was not acting in an official capacity at the time of the incident. The requirement to treat others with respect under the Code of Conduct only applies when a member is acting in an official capacity. The Ethical Standards Officer also considered that there was no link between the Councillor's conduct and his role as a councillor. The meeting had no connection with the council, and the Councillor clearly attended the meeting in a private capacity. The Ethical Standards Officer did not consider that the Councillor's conduct would have affected public confidence in the council or in his role as a councillor. The Ethical Standards Officer concluded that the Councillor did not bring his office or authority into disrepute. The Ethical Standards Officer found that no action needs to be taken in relation to this matter.

Relevant Paragraphs of the Code of Conduct

The allegation in this case relates to Paragraphs 2(b) and 4 of the Code of Conduct.

Case 4

It was alleged that the Councillor, a member of the Town Council, published incorrect and inflammatory material about a planning application on the Cullompton town website. The material on the website opposed a planned residential school for girls taken into care, and was published before a neighbouring district council considered the application. The website allegedly reminded readers of crimes committed by residents of a similar facility, and referred to the residents as "outsiders". The Ethical Standards Officer considered that the Councillor was not acting in an official capacity when he posted the text on the website. As there was no evidence that the Councillor was not voicing genuinely held local concerns, the Ethical Standards Officer considered the Councillor could not reasonably be regarded as having brought his office or authority into disrepute. It was also alleged that the Councillor included on the website the names and phone numbers of two members of a local parish council, without their prior consent.

The Ethical Standards Officer considered that the Councillor was not acting in an official capacity when he published the members' details, so the provision of the Code of Conduct relating to treating people with respect did not apply. The Ethical Standards Officer considered that, given that the contact details of the two members were already in the public domain, the Councillor's action did not bring his office or authority into disrepute.

The Councillor also allegedly created a link from the website to the text of a flyer opposing the application, which made the unsupported claim that a planning officer had misled local representatives. The Ethical Standards Officer considered that the Councillor had not been acting in an official capacity when he published the link to the flyer, and so could not have failed in his official duty to treat others with respect. The Ethical Standards Officer also noted that the Councillor was not the author of the flyer and only provided

a link to it. Moreover, the flyer was already in the public domain, and contained the genuine views of some local residents. The Ethical Standards Officer concluded that the Councillor did not bring his office or authority into disrepute.

The Ethical Standards Officer found that there was no evidence of any failure to comply with the Code of Conduct.

Relevant Paragraphs of the Code of Conduct

The allegation in this case relates to paragraphs 2(b) and 4 of the Code of Conduct.

Case 5

It was alleged that a councillor regularly contacted a Housing Partnership with enquiries and complaints on behalf of her constituents in a manner that distressed members of staff. The Councillor also allegedly ignored the housing partnership's procedures for making enquiries and refused to respect its timescales for responses. The Councillor denied being aggressive and demanding when making her enquiries, but admitted that she was sometimes forceful and confrontational.

The Ethical Standards Officer considered that while the Councillor did not follow the partnership's enquiry procedure, the partnership's staff did not make the Councillor properly aware of this procedure. The Ethical Standards Officer considered that the Councillor's telephone manner showed a forceful and confrontational pattern of behaviour that could reasonably be viewed as intimidating. The Ethical Standards Officer concluded that the Councillor failed to treat staff with respect. It was also alleged that the Councillor demanded that housing partnership staff help her to arrange repairs to her own home, despite the fact she was not a tenant or leaseholder of the council. The Ethical Standards Officer considered that there was nothing wrong with the Councillor asking an officer at the partnership to recommend a contractor to fix her boiler, although it was unwise to ask the officer to contact the contractor on her behalf. However, the Ethical Standards Officer noted that the Councillor did not use her position to demand the officer did so. The Ethical Standards Officer concluded that the Councillor did not misuse her position to secure an advantage for herself. The Ethical Standards Officer took into account the fact that the Councillor apologised for upsetting officers and made a commitment to improve the manner in which she makes enquiries to the housing partnership. The Ethical Standards Officer found that no action needs to be taken in relation to these matters.

Relevant Paragraphs of the Code of Conduct

The allegation in this case relates to paragraphs 2(b) and 5(a) of the Code of Conduct.

Case 6

The complainant alleged that a former member of the Parish Council, asked inappropriate questions about the clerk's salary, overtime and expenses at council meetings and in correspondence to the council's chairman. It was also alleged that he shouted at, bullied and intimidated the clerk.

The Ethical Standards Officer considered that the Councillor acted in a way that caused the clerk distress during one council meeting, which the clerk experienced as being shouted at. The Ethical Standards Officer considered that the Councillor failed to treat the clerk with respect and in so doing failed to comply with the Code of Conduct. The Ethical Standards Officer considered that the Councillor's other conduct towards the clerk was insufficient to amount to a failure to comply with the Code.

The complainant also alleged that the Councillor referred to the District Council officers as "cheats and liars", while giving them the impression he was representing the views of the parish council. The Councillor also allegedly stopped contractors from working on district council-owned land without the authority of the parish council. The Ethical Standards Officer considered that there was insufficient evidence that the Councillor referred to officers as "liars and cheats" at a forum meeting. The Ethical Standards Officer considered that the Councillor might have given the impression that he was speaking on behalf of the parish council, but that this was inadvertent.

The Ethical Standards Officer considered that it was appropriate for the Councillor to raise his concerns with the contractors when he was worried about the impact of their work. The Ethical Standards Officer also considered that the Councillor acted properly by approaching the district council, as he was unable to speak to the clerk. The Ethical Standards Officer took all of the circumstances into account and found that no action needed to be taken in relation to these matters.

Relevant Paragraphs of the Code of Conduct

The allegation in this case relates to paragraphs 2(b) and 4 of the Code of Conduct.