

**Committee: STANDARDS COMMITTEE**

**Agenda Item**

**Date: 22 November 2010**

**6**

**Title: RECENT DECISIONS OF THE FIRST TIER  
TRIBUNAL LOCAL GOVERNMENT  
STANDARDS IN ENGLAND**

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Item for information

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## Summary

- 1 This report is to inform Members of the decisions of the First Tier Tribunal Local Government Standards in England in cases published since the last meeting of this Committee. The report will indicate in each case whether the matter was a hearing or an appeal.

## Recommendations

- 2 Members note this report

## Background Papers

- 3 Local Government Standards in England's website  
[www.adjudicationpanel@tribunals.gov.uk](http://www.adjudicationpanel@tribunals.gov.uk).

## Impact

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Communication/Consultation	None
Community Safety	None
Equalities	None
Finance	None
Human Rights	None
Legal implications	An aggrieved party may apply to the First Tier Tribunal for a review of its decision or may appeal to the Upper Tier Tribunal with permission of the First Tier Judge or a Judge of the Upper Tier Tribunal.

Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

## Situation

5 Since the last meeting of this Committee there have been 14 cases published on the First Tier Tribunal's website which are summarised below:-

6 Cllr Smith

- a. On the 14 April 2010 the tribunal considered a reference from an Ethical Standards Officer alleging that Cllr Smith had breached the Code of Conduct of Gosport Borough Council by bringing his office or authority into disrepute in that he improperly sought to issue a grievance against two officers in respect of evidence that was provided to an earlier investigation conducted by an Ethical Standards Officer and that whilst his grievance was being investigated Cllr Smith made public his concerns regarding the evidence provided by the officers. In the press article which followed, Cllr Smith also made a number of damaging and unfounded allegations regarding the conduct of officers generally and confirmed that he had asked the Audit Commission to investigate a number of officers.
- b. In early 2009 Cllr Smith had raised concerns with the Chief Executive regarding the performance and capability of the Monitoring Officer. At about the same time an Ethical Standards Officer issued a draft report following a complaint that Cllr Smith had not chaired a meeting of a licensing board well and behaved in such a manner as to show prejudice towards the application. The Ethical Standards Officer's report included transcripts of interviews with two council officers including a lawyer who gave evidence that Cllr Smith had displayed an aggressive manner whilst chairing the meeting. Cllr Smith responded to the draft report and did not dispute the factual accuracy of the evidence of the council officers.
- c. At the relevant time Cllr Smith was leader of the council and as such had regular meetings with the Chief Executive. During the course of those meetings Cllr Smith repeatedly raised his dissatisfaction with the evidence of the council officers concerned.
- d. In March 2009 Cllr Smith sought to invoke the council's grievance procedures against the officers in respect of the evidence they had provided to the investigation. The Chief Executive tried to dissuade Cllr Smith from

undertaking such a course of action but Cllr Smith insisted that the grievance procedure be followed.

- e. During this period medical evidence was received concerning the Monitoring Officer which concluded that her sickness record was not unsatisfactory and that some of her medical conditions were disabilities under the Disability Discrimination Act. Cllr Smith insisted that he had sight of the report as leader of the council despite the Chief Executive's refusal.
- f. In April 2009 the Chief Executive referred Cllr Smith's grievance for investigation. Shortly thereafter the Chief Executive met with the officers concerned together with their line managers. He informed them that unless they were prepared to retract and apologise for the parts of the statement which Cllr Smith now deemed to be false he would be pursuing a grievance against them. Both of the officers declined to retract any part of their evidence or apologise to Cllr Smith.
- g. Shortly thereafter Cllr Smith emailed an employee of the Audit Commission setting out concerns regarding the performance of individual officers of council departments and suggesting that the Chief Executive and Monitoring Officer should be suspended for the duration of investigations into his allegations. A representative of the Audit Commission responded to the effect that his concerns were not a matter for the Audit Commission and cautioning him against repeating the allegations outside the confines of correct council procedures.
- h. In May 2009 a local newspaper published an article under the headline 'Leader calls for probe at 'corrupt' authority' quoting Cllr Smith making a number of very serious allegations of officer misconduct within the council.
- i. The tribunal concluded that Cllr Smith had ample opportunity to challenge the veracity of the officer's evidence during the investigation carried out by the Ethical Standards Officer. In the circumstances, the use of the grievance procedure was improper and was a breach of the Code of Conduct by bringing his office or the council into disrepute.
- j. The tribunal found that in reference to the newspaper article, the officers could be easily identified even though they were not named. The unsubstantiated comments contained in the article relating to corruption undermined the authority and further brought the council into disrepute.
- k. The tribunal took a view that whilst there were certain mitigating factors the breaches of the Code were severe and Cllr Smith appeared not to appreciate that his conduct was in breach of the Code of Conduct. Cllr Smith's conduct had had a detrimental impact upon the relevant officers and fellow councillors. In the circumstances, the tribunal imposed a

maximum period of suspension available to it, namely 12 months.

- I. The tribunal were concerned that there was a lack of information as to whether Cllr Smith had undergone training on the Code of Conduct. It recommended that he should undertake appropriate and extensive training prior to his resuming his position as councillor.

## 7 Cllr Williamson

- a. On 17 June the tribunal considered an appeal by Cllr Williamson of Bolton Council against a decision of the Standards Committee of that Council suspending him for 4 months for failing to treat a constituent with respect.
- b. There had been an exchange of e-mails between the constituent who made the initial complaint and Cllr Williamson. The constituent alleged that the last of these was inappropriately worded and as such was disrespectful.
- c. Although the decision notice suggests that the appeal was against the sanction only the tribunal considered afresh whether there had been a breach of the code. The tribunal found that although the tone and words used could have been better chosen the e-mail was not abusive nor overtly offensive. As such it did not amount to failure to treat another with respect and the finding of the Standards Committee was therefore overturned.

## 8 Cllr Chegwyn

- a. On 23 June 2010 the tribunal considered a reference from an ethical standards officer alleging that Cllr Chegwyn of Gosport Borough Council had breached the code of conduct of that council by bullying the borough treasurer at the council's budget setting meeting and by bringing his council or office into disrepute.
- b. It is clear from the report that the budget setting meeting in question was highly charged, being adjourned on a number of occasions during the evening for amendments and re-amendments to be discussed by political groups and between officers and members.
- c. Exchanges took place between Cllr Chegwyn and the borough treasurer during these adjournments and after one the borough treasurer was visibly shaken. He said that he had to take 4 weeks of work following the meeting and had difficulty sleeping.
- d. There were differences in the evidence relating to the alleged incident. On the facts the tribunal found that there had not been a breach of the code of conduct. However certain pointers were given which may be useful in considering disputed evidence.

- e. An important point made by the tribunal was that all witnesses were apparently honest but with different recollections. This is frequently the case in my experience.
- f. The ethical standards officer preferred the evidence of the borough treasurer on issues where there was a dispute as she found the treasurer to be a reliable witness. However by implication this suggested that Cllr Chegwyn was not a reliable witness. There was no evidence to support that inference. In the circumstances the evidence of both parties had to be given equal weight. The tribunal in this case did give reasons why it preferred the evidence of Cllr Chegwyn. However where it is not possible to decide which account from apparently honest witnesses is the most likely to be a true reflection of the facts the subject member must be given the benefit of the doubt as the burden of proof is on the investigating officer.

## 9 Cllr Riordan

- a. On 23 June 2010 the tribunal considered an appeal by Cllr Riordan of Castle Bromwich Parish Council against a decision of the standards committee of Solihull Metropolitan Borough Council that he had breached the code of conduct of his parish council by failing to treat a fellow councillor with respect. The sanction was to require Cllr Riordan (who was chairman of the parish council) to undergo training in effective chairmanship within 3 months such training to be paid for by the parish council.
- b. The standards committee had found that events at the meeting of the parish council concerned were within the boundaries of normal conduct for debate for that council but that Cllr Riordan had failed to make adjustments in his chairing of the meeting to take account of his fellow councillor's medical condition of which he was aware. No details of the condition are contained in the report.
- c. The tribunal found that some of the adjustments suggested were in fact already in place and others were a matter for the council and not for the chairman alone. On the evidence therefore the tribunal found there had been no breach of the code.
- d. In the light of its finding it is perhaps understandable that the tribunal did not express a view on the sanction but I doubt that the standards committee has power to require a parish council to pay for training which has been directed by the standards committee. Certainly an earlier case indicated that a standards committee cannot require a councillor to undertake training at his or her own expense.

## 10 Cllr Fraser

- d. On 7 July 2010 the tribunal heard an appeal by Cllr Fraser of Campbell Park Parish Council against a decision of Milton Keynes Standards Committee suspending her for a period of 6 months for failing to treat an officer of Milton Keynes Council with respect; bullying the officer; compromising the independence of the officer and bringing her office into disrepute. Cllr Fraser is also a member of Milton Keynes Council.
- e. Cllr Fraser had attended a meeting of the National Association of Local Councils. A presentation was given on policy issues by a senior officer of Milton Keynes Council which Cllr Fraser disagreed with. After the presentation Cllr Fraser confronted the officer in a corridor and upbraided her in the presence of at least one other person saying that the presentation had been “lies” and making threats (unspecified in the report) to the officer.
- f. Upon a complaint being made to the standards committee Cllr Fraser wrote to the chief executive of Milton Keynes Council asking for action to be taken against the complainants.
- g. Cllr Fraser did tender an apology for “any distress caused”.
- h. Cllr Fraser submitted in mitigation that she is known to have a short temper and this was exacerbated by a medical condition. The tribunal echoes comments it made in a previous case that this is not mitigation and that members who are aware that they have short tempers have a responsibility to control them.
- i. The tribunal were also unimpressed with the apology as it failed to acknowledge any wrong doing on Cllr Fraser’s part. However in view of her health and her long public service the tribunal concluded that the sanction was excessive and suspended Cllr Fraser from both councils for a period of 3 months.
- j. The report is short but not for the first time do I question the legality of a sanction handed down by the tribunal. The report heading refers to Cllr Fraser as being a member of the parish council only. This is not surprising as the National Association of Local Councils is a parish/town council organisation and as such Cllr Fraser would have been there in her capacity as a parish councillor. The complaint to the standards committee should have been in that respect and presumably her letter of complaint to the chief executive of Milton Keynes Council was written in her capacity as a subject member of a complaint and not in her capacity as a district or borough councillor. In any event it is not clear that the letter was the subject of a separate complaint or investigation.

- k. The report suggests that Cllr Fraser was suspended by the standards committee from the parish council only. That would be logical as if it was not considering a complaint of a breach of the code of Milton Keynes council it had no power to suspend from a council other than the subject council. On appeal the tribunal only has power to impose a sanction which could have been imposed by a standards committee thus it could not suspend from both councils unless the standards committee was dealing with complaints relating to both councils. Further there is nothing to suggest that Cllr Fraser was notified of the intention to suspend from Milton Keynes Council or invited to make submissions in that regard.

## 11 Cllr Greaves

- a. On the 11 August 2010 the tribunal heard an appeal from Cllr Matthew Greaves of Wood Plumpton Parish Council against the decision of Preston City Council's Standards Committee that he had breached the Code of Conduct by failing to treat others with respect.
- b. Cllr Greaves had indicated that signatories to a petition presented at a meeting on behalf of the council had been obtained by coercion.
- c. The tribunal considered that such a statement (it was not found to be proven) could not have amounted to a breach of the requirement to treat others with respect and the decision of the Standards Committee was therefore set aside.

## 12 Cllr Logan

- a. On the 16 August 2010 the tribunal handed down its decision in the case of Cllr Mark Logan of the London Borough of Havering who was appealing against the decision of the Standards Committee of that council that he had failed to treat others with respect and had brought his office or council into disrepute and that he should be suspended for a period of one month and required to undertake relevant training. The committee also provided that no member's allowance should be paid to Cllr Logan for the period of his suspension.
- b. Cllr Logan was seeking to establish that a fellow councillor was not eligible to stand for election as a local councillor. He carried out covert surveillance to endeavour to obtain evidence to support this contention.
- c. In addition, Cllr Logan raised the matter with the local press which published an article in the local newspaper.
- d. The tribunal found that the carrying out of covert surveillance and the instigation of a press article which was not well founded failed to treat his

fellow councillor with respect and also brought the council into disrepute.

- e. The tribunal upheld the Standards Committee's findings of fact and the sanction save that it made no direction with regard to the withholding of expenses as this was effectively a matter for the council's Scheme of Members' Allowances.

### 13 Cllr Lawrence

- a. On the 16 August 2010, the tribunal considered an appeal by Cllr Malcolm Lawrence of Penzance Town Council against a decision of the Standards Committee of Cornwall Council that he had breached the Members Code of Conduct by failing to treat a fellow councillor with respect and that he had disclosed information obtained in confidence. The Committee also found that Cllr Lawrence's conduct brought her officer or authority into disrepute. The Standards Committee suspended Cllr Lawrence for four months.
- b. Although the permission to appeal was limited to an appeal against the sanction only the tribunal carried out a full re-hearing as it was not satisfied with the Standards Committee's findings or reasons.
- c. Cllr White was a long standing member of Penzance Town Council and had served as its mayor. At some stage during her councillorship a credit union was founded known as the Isle of Scilly Credit Union. Cllr White undertook that she would open an account with that union.
- d. At a meeting of the Town Council on the 18 May 2009, Cllr White was nominated and seconded to be the town council's representative on a body known as the Treneere Together Partnership. A vote was taken which led to her appointment. At that point Cllr Lawrence stood up and referred to Cllr White as a liar because she had given an undertaking to save with the Isle of Scilly Credit Union but had not done so.
- e. The tribunal found that the use of the word 'liar' was not justified on the basis of the facts as understood by Cllr Lawrence. The tribunal therefore found this failed to treat Cllr White with respect and was therefore a breach of the Code of Conduct. However, the tribunal concluded that this was a single outburst and when set against the long history of Cllr Lawrence's public service was not sufficient to bring his office into disrepute.
- f. The tribunal also found that a statement that a person did not bank with a particular organisation was not confidential information without something more to add to the personal content of the information. In the circumstances, the tribunal found that the making of that statement did not breach any duty of confidentiality and was not therefore a breach of the Code of Conduct.



- g. In the light of its findings the tribunal considered that a suspension was not required and it substituted a censure as the appropriate sanction.

#### 14 Cllr Khan

- a. On 8 September 2010 the tribunal considered a reference from an Ethical Standards Officer in relation to allegations that Cllr Khan of South Tyneside Borough Council had breached that council's Code of Conduct by making statements about the Monitoring Officer of the council and the Standards Committee of the council.
- b. Cllr Khan had been the subject of an earlier allegation that he had breached the Code of Conduct. The Assessment Sub Committee of the Standards Committee had decided that no further action need be taken with regard to that complaint. Cllr Khan requested the Monitoring Officer to issue a press release stating that he had been cleared of all wrongdoing. The Monitoring Officer declined the request.
- c. Cllr Khan issued a newsletter in which he alleged partisan conduct on the part of the Monitoring Officer stating that he 'wiggles like a maggot on the end of a hook in an effort to get out of issuing a press release in case it upsets the ruling group'.
- d. The article further alleged that the Standards Committee took a secretive approach to public standards, never reported its findings publically and would not issue a press release reporting a finding that a councillor had been cleared of misconduct. The article described allegations made against Labour councillors about which the Standards Committee was said to have done 'absolutely nothing' and contrasted this with committee decisions to investigate allegations made against independent alliance councils.
- e. Before the tribunal, Cllr Khan denied that he was the author of the newsletter and further denied that his involvement with the newsletter was in his official capacity.
- f. The tribunal found that Cllr Khan was the author or at least responsible for the publication of the article and found that he was acting in his capacity as a councillor even though not representing the authority.
- g. The tribunal concluded the comments regarding the Monitoring Officer were both wrongful and insulting but found that they were not entirely without provocation. In the circumstances, the tribunal determined that Cllr Khan should be censured.

### 15 Cllr Branley

- a. On the 9 September 2010 the tribunal considered a reference from an Ethical Standards Officer in relation to allegations that Cllr Jane Branley of South Tyneside Council had breached that council's Code of Conduct by disrupting a council meeting on the 25 June 2009 to the extent that it had to be abandoned and following the meeting making inappropriate comments in a webcast interview. Further having made a complaint to the Chief Executive regarding the conduct of the Monitoring Officer at a meeting of the council and withdrawing the complaint, she subsequently raised the matter during a council meeting. It was also alleged that she made claims in a newsletter which were false and made reference to others which were potentially harmful to the council's reputation and that she sent a letter to a local newspaper in which she accused the Monitoring Officer of giving incorrect advice at a council meeting.
- b. On the facts the tribunal found that there was no breach of the Code of Conduct save for the respondent's conduct in causing a meeting of the council to be abandoned. During the course of the meeting in question, the mayor declined Cllr Branley permission to speak. She refused to sit down or cease speaking. The mayor adjourned the matter for 10 minutes but after the adjournment Cllr Branley continued as before and the mayor abandoned the meeting.
- c. Cllr Branley's conduct was in breach of the council procedure rules. The tribunal regarded her conduct as showing disrespect towards the office of mayor. Had she ceased after the adjournment no action would have been required but the fact that she continued after the cooling off period was an aggravating factor leaving the tribunal to impose a sanction of a censure.

### 16 Cllr Bell

- a. On 27 September 2010 the tribunal considered an appeal by Cllr Timothy Bell of Barrow Borough Council against the decision of the Standards Committee of that council that he had breached the Code of Conduct by making damaging personal attacks on the competency and integrity of officers of the council and fellow members, by refusing to accept the advice of officers of the council on matters of conduct and ignoring their corrections of fact and by emailing persons who were not members of the council with confidential information regarding council policy and putting it into the public arena the identity of subordinate employees of the council with whom he had issues. The Standards Committee suspended Cllr Bell for 3 months and required him to undergo training.
- b. The Standards Committee had found 5 breaches of the Code of Conduct. Having considered all the evidence the tribunal concluded that the breaches

of bullying, intimidating persons in relation to an allegation of a breach of the Code of Conduct and bringing the authority into disrepute were not substantiated but that Cllr Bell had failed to treat officers with respect (in particular the Chief Executive of whom he stated 'it is time the members took the initiative and I feel the council will not move forward whilst Tom Campbell is CEO with the control freak mentality that exists'.) The tribunal also found that Cllr Bell had disclosed confidential information in sending an email to a local newspaper mentioning an internal council matter not in the public domain and the borough parking manager by designation.

- c. The tribunal substituted a sanction of one month's suspension for the breaches it had found and also required Cllr Bell to attend appropriate training arranged by the Monitoring Officer.

## 17 Cllr Brewis

- a. On the 30 September 2010 a single judge sitting alone in the tribunal considered a number of references that Cllr Brewis had failed to comply with the Code of Conduct of Sutton Bridge Parish Council in connection with her dealings with the parish clerk over the last six years. A reference was made by the Standards Committee of South Holland District Council.
- b. Nine complaints had previously been made to the Standards Board for England, four by the parish council and five by the parish clerk. The Board only determined that one of these should be investigated and the outcome was that no action needed to be taken.
- c. The principal judge gave directions requiring the Standards Committee to provide a statement giving the date and a summary in respect of each action which it was alleged constituted a breach of the Code of Conduct. Having considered the submissions the principal judge determined that there should be no consideration about matters which occurred before the revised Code of Conduct came into force which left only 3 matters to be considered.
- d. The Standards Committee sought to withdraw the reference but this was opposed by Cllr Brewis and the presiding judge therefore directed a hearing before a single judge to consider whether the Standards Committee should be given permission to withdraw the reference, whether having regard to the evidence it would be appropriate for the tribunal to exercise its power to strike out all or part of the Standards Committee's case on the basis that it had no reasonable prospect of success and if not what further directions should be given.
- e. Having considered the submissions the tribunal determined that the Standards Committee's case had no reasonable prospect of success and the allegations were therefore struck out.

## 18 Cllr Fahn

- a. On the 4 October the tribunal considered an appeal from Cllr Adam Fahn of Leighton-Linslade Town Council against a decision of the Standards Committee of Central Bedfordshire Council that he had breached the Code of Conduct by bullying two teenagers (both physically and verbally) and by virtue of his actions bringing the council into disrepute. The Standards Committee suspended Cllr Fahn for a period of two months.
- b. Permission was given to appeal on two bases only, namely whether Cllr Fahn was acting in an official capacity at the time the events giving rise to the complaints took place and whether his actions constituted bullying. Permission to appeal was not granted against the sanction. It is apparent from the report that at the date of the hearing of the appeal, Cllr Fahn had served his two month suspension. It is not clear however, whether Cllr Fahn had requested that the sanction be stayed pending the determination of his appeal.
- c. The Standards Committee have been in no doubt that Cllr Fahn's behaviour following two music nights had been wholly inappropriate and permission to appeal against that finding was not given. Full details of what the behaviour comprised are not given. However, it appears that Cllr Fahn was chairman of the town council's Tactic and Youth Sub Committee and actively involved in youth movements. In that connection he had given assistance to youths who wished to put on music events. He attended some of those events. The events complained of occurred on two nights after the conclusion of music events.
- d. The tribunal drew a distinction between the Livingstone case (where there was a clear distinction between Mr Livingstone ceasing an official engagement and the time when the events then complained of occurred, even though the time involved was short) and Cllr Fahn's case where the tribunal found that his public and private life were intertwined and that he therefore continued to act in an official capacity.
- e. Having found that Cllr Fahn was acting in an official capacity, it had no difficulty in concluding that his conduct (which the tribunal described as offensive and humiliating) did amount to a failure to treat others with respect. However, on the facts the tribunal found that Cllr Fahn's behaviour was not an attempt to undermine the victims of his conduct nor was it detrimental to their confidence or capability or effect their health. The tribunal found there was no evidence of any attempt to undermine and that although it found Cllr Fahn's behaviour to be clearly unacceptable, inappropriate and unwelcoming and annoying to those to whom his behaviour was directed in the absence of any intention to undermine them, he was not guilty of bullying. The tribunal appears to have drawn a distinction between

behaviour which is ill judged and inept from behaviour done with the intention to demean.

- f. Although the sanction was not a subject of the appeal and although the tribunal came to a different conclusion to the Standards Committee on the issue as to whether bullying had occurred, the tribunal noted that Cllr Fahn had not accepted that his behaviour was wrong nor had he provided any apology. From his representations to the tribunal he appeared oblivious of the impact of his behaviour on others. In the circumstances, the tribunal indicated that it considered that the two month suspension was proportionate.

## 19 Cllr Smith

- a. On 20 October 2010 the tribunal considered a reference from an Ethical Standards Officer into allegations that Cllr Smith of Gosport Borough Council had breached the Code of Conduct of that council by sending email communications which were offensive and bullying, bullying complainants by making unfounded allegations about their conduct, trying to justify earlier unfounded claims of officer corruption to the press and attempting to use his position improperly to favour one council contractor.
- b. Not all of the details are available as the tribunal gave permission for certain information not to be disclosed in the interests of one of the complainants. The Ethical Standards Officer also declined to produce any evidence in support of the allegation that Cllr Smith had attempted to use his position improperly to favour a contractor.
- c. In 2009 Cllr Smith was the subject of an earlier complaint regarding a breach of the Code of Conduct for which he was suspended by the tribunal (see above).
- d. Cllr Smith had concerns that the council's procurement policies were not being followed with regard to a particular contract and raised those concerns through appropriate channels. An investigation was carried out which found that whilst there may have been a breach of the officer Code of Conduct, there was no breach of the procurement rules and the contract placed secured best value for the council.
- e. Following the conclusion of the investigation, Cllr Smith sent a number of emails to an officer accusing him of serious professional misconduct and possible criminal offences. He also alleged that the officer had treated him with disrespect. Cllr Smith copied those emails to the Chief Executive and council's head of audit.
- f. Cllr Smith also made a complaint to the Police regarding two officers at the

council alleging potential fraud on their behalf. The Police carried out a preliminary investigation but concluded there was insufficient evidence to warrant a criminal investigation.

- g. One of the council officers concerned was a special constable with the constabulary. The Police investigation concluded there was no evidence of discreditable conduct on his behalf and that he remained suitable to be a member of the special constabulary. Notwithstanding this Cllr Smith responded to the Police review alleging the officer concerned was lying.
- h. The tribunal concluded that whilst Cllr Smith had a degree of legitimate concern regarding the marketing exercise the bullying and persistence in which he sought answers to his questions was both unfair and unreasonable. Despite the conclusions reached by the investigating officer within the council, Cllr Smith persisted with his allegations. The tribunal also found that the contents of emails were offensive, insulting and intimidating and that they had a detrimental effect upon the officer's concerned particularly by virtue of being copied to others including the head of audit and chief executive. The tribunal found therefore that Cllr Smith's conduct amounted to bullying. Finally the tribunal concluded that the respondent's unwillingness to let the matter drop despite investigations conducted by both the council and the Police brought his office and the authority into disrepute.
- i. The tribunal considered a period of disqualification but concluded that in the light of mitigating factors highlighted in the decision this would be disproportionate. It was determined therefore that a period of suspension of six months from 1 April 2011 (the date of expiration of his original suspension), the suspension to cease earlier in the event that Cllr Smith undertook training as specified by the Monitoring Officer of the council.

## **Risk Analysis**

20 There are no risks associated with this report.