

CODE OF CONDUCT SCENARIOS

1. Car park rage

A pool attendant at the council's leisure centre has written a letter of complaint about a councillor. He says that last Saturday when he was at the local supermarket, he and a woman had both tried to get the same parking space. After he had nipped in in front of her, she had got out of her car, swore at him and bent his car aerial. Another person who witnessed the incident told him that the driver was a local councillor. The police had not been called.

2. Facebook

A councillor claimed on Facebook that a number of named members and officers had abused their positions and mismanaged council finances.

The councillor defended her actions by arguing that she was acting in the public interest and for the benefit of open government. She also argued that the named members and officers had forfeited their right to respect by their actions. She further claimed that under the European Convention on Human Rights she was merely exercising her right to freedom of speech and in any case, was not acting in her official capacity when she made the comments.

3. Pornography

A councillor has regularly used a council laptop. He has signed the council's IT protocol for members, which includes a requirement not to use the equipment for anything other than council business, and not to lend council IT equipment or disclose his passwords to third parties.

However, he allowed other people to use the laptop and on its return to him found that pornographic material had been downloaded onto it. He took the laptop to the council's IT department and asked them to remove this material.

4. Stage whispers

An officer presented a report to the council's overview and scrutiny committee. During the meeting a councillor stated as a loud 'aside' to the other members and officers: "Don't listen to him, you can't rely on his advice". The councillor had previously had a meeting with the officer who advised that a course of action was not good practice and should not be pursued. The councillor was unhappy with the advice.

A member of the public present at the meeting makes a complaint about the comment saying it was rude and disrespectful.

5. Confidential information

The council was looking at proposals for a major housing development which was strongly opposed by sections of the community. Councillors were sent information ahead of a planning meeting, including confidential legal advice saying that the council was unlikely to win a legal challenge by the developer if they rejected the plans. The papers were accompanied by a letter from the monitoring officer reminding all members of the confidential nature of the contents.

When the councillor expressed his concern that the matter was to be considered in private at the meeting he was told by the Director and the monitoring officer that disclosure could prejudice the council's negotiations. Despite the council having voted for the matter to be exempt, the councillor disclosed information to the local newspaper. Also despite an undertaking given personally to the monitoring officer not to do so, he disclosed information from the minutes of a later meeting which were also exempt.

The Director submits a complaint.

6. The father-in-law

The planning committee has received an application from a company to build a small office block. The development would be in a conservation area.

One of the councillors on the planning committee is the father-in-law of the managing director of the development company. The councillor doesn't declare an interest and a member of the public opposed to the development subsequently makes a complaint.

7. Neighbours

There is a contentious development of 40 houses happening in a parish. One of the councillors lives adjacent to the area for development.

At the meeting to discuss the planning application the chairman says that the councillor should not take part in the discussion because he has a disclosable pecuniary interest.

The councillor says he is speaking on behalf of the community and has a right to take part, so although he declares a personal interest, takes part in the debate and votes against the application.

The chairman reports the councillor to the police, but the police decide not to take any further action so a complaint is then made to the monitoring officer.

8. Chairing a meeting

At the start of a parish council meeting, a councillor sought to raise a point of order. The chair ruled it inadmissible as it related to a constitutional matter which would be better addressed elsewhere. The councillor then accused the chair of being dishonest, a liar and seeking to stifle free speech and transparency. The chair moved that the meeting move on to 'next business' and this was agreed by a vote of the meeting. However, the councillor continued to disrupt the meeting with comments about the chair and the council's lack of proper procedure and accountability. The chair then asked that the councillor be "no longer heard" and this was agreed by the meeting. Following further disruption the councillor was repeatedly warned that if he continued to disrupt the meeting it would be necessary to ask him to leave. As he continued to interrupt the meeting, the chair asked the local police inspector who was at the meeting to discuss a separate police matter to ask the councillor to leave the meeting. The councillor refused to move and was told that he was disturbing the Queen's peace to which he again resisted. Eventually the inspector led the councillor from the meeting and business was allowed to resume.

The chair complains to the monitoring officer about the councillor's behaviour. The councillor in turn makes a complaint to the monitoring officer that he was not being treated with respect because the chair was refusing to listen to his legitimate concerns.

9. Village green parking

A village was to have a major regeneration scheme. Part of the project included stopping cars from parking in the centre of the village around the village green and instead building alternative parking provision on the edge of the village.

The proposals were supported by the parish council but were vehemently opposed by a small number of councillors who had shops and small businesses in and around the green. The owners of the eight shops in the village, including the councillors, formed a pressure group to lobby against the parking restrictions and stood as a slate at the elections. Some but not all were elected.

At a meeting after the election to reconsider the scheme, no councillors declared any interests despite being requested to, there was a very heated meeting and support for the scheme was reaffirmed by a narrow majority. A number of complaints were made to the district council about failures to declare interests and about lack of respect, intimidation and bullying.

A further meeting was called at which no interests were again declared. Due to the previous events the Chair proposed that any person, either member of the public or councillor, making personal or sarcastic remarks during the meeting would be asked to leave and if they refused, the meeting would be closed. A Councillor then made a gesture and a reference to Hitler that was interpreted by many of those present as a 'Heil Hitler' salute and disruptive behaviour continued.

Further complaints were made to the district council, by both councillors and members of the public following this meeting.

At the next meeting the clerk reminded all members of the need to declare interests and read out the exact wording of the code but no declarations were made and further disruption was caused to the meeting. The local press started to focus on meetings of the council under the strapline 'a village divided.'

In total over 100 complaints are made to the monitoring officer over a four-month period all either by or about the shopowner councillors.