

**IN THE FIRST-TIER TRIBUNAL
GENERAL REGULATORY CHAMBER
(Local Government Standards in England)**



Notice of Decision

Ref No: LGS/2010/0531

Subject matter: Appeal by a member of a local authority against a Standards Committee decision

Appellant: Councillor William Blenkinsopp of Great Aycliffe Town Council

Respondent: Durham County Council Standards Committee

Tribunal Members

Judge: David Laverick
Member: David Billing
Member: Darryl Stephenson

1. The Appellant had appealed against the Standards Committee's finding that he had failed to follow paragraphs 3(1) of the Code of Conduct by acting in a disrespectful manner towards the complainant and using foul language, and against the action, which the Standards Committee had decided to take in the light of the failure to follow the provisions of the Code of Conduct. That action in the absence of a written apology from the Appellant was that he should be suspended for three months. That suspension was stayed pending the outcome of the appeal.
2. The evidence of the complainant that the Appellant used foul language towards her was largely corroborated by another witness heard by the Tribunal and on the balance of probabilities was accepted by the Tribunal in preference to the Appellant's version.
3. The Appellant accepted on the basis of that finding of fact that his words did show a lack of respect to a fellow Councillor but queried whether the Code of Conduct applied to such a conversation which took place before the Council meeting had formally begun.
4. The Appellant's evidence was that he had objected to the other Councillor's choice of seat because he wished to have a discussion, to which she would have been within earshot, with the Leader of the Council. He intended that discussion with the Leader to be in his capacity as a Councillor and the discussion about seating was also in that capacity. The Code did therefore apply.
5. The Tribunal therefore upheld the Standards Committee's finding that Councillor Blenkinsopp failed to comply with the Code of Conduct and that some action should be taken in respect of that breach of the Code.

6. A three-month suspension is very much toward the serious end of the range of actions open to a Standards Committee and in the view of the Tribunal was disproportionate. The Tribunal has decided that the appropriate action would be for the Appellant to be suspended for one month. That suspension will start from the date of the hearing (13 January 2011).
7. The Tribunal has thus varied the decision of the Standards Committee.
8. Any request for permission to appeal against the Tribunal's decisions needs usually to be made to the First-tier Tribunal within 28 days of receipt of the Tribunal's reasoned decision. Such applications need to be in writing.

David Laverick

Judge

13 January 2011