



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

CASE NO: LGS/2010/0531

ON APPEAL FROM:

**Standards Committee of:
Date of Decision Notice:**

**Durham County Council
21 September 2010**

APPELLANT:

**Councillor William Blenkinsopp of Great
Aycliffe Town Council**

RESPONDENT:

**Durham County Council Standards
Committee**

DATE OF HEARING:

13 January 2011

HEARD AT:

Bishop Auckland Magistrates Court

DATE OF DECISION:

13 January 2011

BEFORE

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

ATTENDANCES:

For the Appellant:

Councillor Blenkinsopp appeared in person

For the Respondent:

Ms Clare Burrows

Subject matter:

**Appeal by a member of a local authority
against a Standards Committee decision**

DECISION OF THE FIRST-TIER TRIBUNAL

The appeal has been upheld in part

REASONS FOR DECISION

1. The Tribunal has considered written and oral submissions from the parties and has heard evidence from the Appellant and from Councillor Bowman and Councillor Hewitson.
2. The Appellant had appealed against the Standards Committee's finding that the Appellant had failed to follow paragraph 3(1) of the Code of Conduct by acting in a disrespectful manner towards the Complainant and using foul language.
3. The Appellant has appealed against the action, which the Standards Committee decided to take in the light of the failure to follow the provisions of the Code of Conduct. That action, determined after he had declined to submit a written apology to the complainant, was that he be suspended for three months.
4. Paragraph 3(1) of the Code provides:
'You must treat others with respect'
5. The Tribunal declined to accept new documentary evidence proffered by the Appellant which was intended to cast doubt on the credibility of a witness. The Appellant has known since he first learnt of the complaint that he disputed her evidence as to what he had said. He had ample opportunity at the time of the Standards Committee investigation and hearing to introduce relevant evidence. To seek to do so only on the day of the hearing into the appeal against the decision of that earlier hearing was not acceptable. The evidence of the particular witness that the Appellant used foul language toward 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.
6. The Appellant accepted that on the basis of that finding of fact 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.
7. The Appellant's evidence was that he had objected to the other Councillor's choice of seat because he wished to have a discussion, during 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.
8. 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.

9. It is unfortunate that the Appellant had not provided the apology which at one stage he had agreed to proffer, although it was apparent to the Tribunal that any such apology would have been insincere. As stated by the representative of the Standards Committee, the action to be taken needed to be proportionate to the facts of the case. 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)
10. The Tribunal has thus varied the decision of the Standards Committee.
11. The written reasons for the Tribunal's decision will be published on the Tribunals website at www.adjudicationpanel.tribunals.gov.uk.
12. Any request for permission to appeal 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
18 January 2011

