



SOUTH RIBBLE BOROUGH COUNCIL

STANDARDS COMMITTEE

DECISION NOTICE:

Decision in relation to an allegation that Councillor Thomas Edward Sharratt failed to comply with the South Ribble Borough Council Code of Conduct for Elected Members (Case reference SCTES)

HEARING DETAILS:-

SUBJECT MEMBER:

Councillor T.E. Sharratt

COMPLAINANT:

Councillor J Marsh

MEMBERS OF THE COMMITTEE:

Mr R Atkinson – Chair
Mr J Holt
Mrs E Houghton
Councillor F Heyworth
Councillor K W Palmer
Councillor M J Robinson
Councillor J Breakell

Apologies for absence were received from Mr S Ellison, Mrs M Gelder and Councillor B Yates

MONITORING OFFICER:

Mr John Dakin

LEGAL ADVISER

Mr David Whelan

CLERK TO THE COMMITTEE:
Ms Carol Eddleston

DATE OF CONSIDERATION BY THE COMMITTEE:
Friday 28th of August 2009

1. ALLEGATION AND FUNCTION OF THE STANDARDS COMMITTEE

The allegation before Standards Committee was that Councillor Thomas Edward Sharratt (a member of South Ribble Borough Council) had failed to comply with the Code of Conduct for Elected Members. Ms Kay Gray had been appointed by the Monitoring Officer of South Ribble Borough Council to carry out an investigation into the alleged breaches of the Code of Conduct. Standards Committee met to consider this report along with all other relevant information.

2. DECISION AND SANCTION

The Standards Committee decided that Councillor Sharratt did breach the Code of Conduct. It decided that a sanction should be applied. In this particular instance Standards Committee decided to censure Councillor Sharratt and to require him to apologise, in writing, to Councillor Marsh.

3. SUMMARY OF COMPLAINT AND INVESTIGATION OFFICER'S CONCLUSION

The complainant alleged that Councillor Sharratt in "The Idle Toad" magazine made some comments that were directed at himself. In particular he stated in his complaint: "In the latest issue of his (referring to Cllr Sharratt) magazine 'The Idle Toad' he has described me as a 'defecator'. In the previous edition he said that 'I had left to join the Tories' which, as any senior member of SRBC will tell you, is a lie. I have put up with his nasty comments in his self-laudatory publication previously, but this time he has gone too far." It was considered that there was potentially a breach of the following paragraphs of South Ribble Borough Council's Code of Conduct for Members: 3(1), and 5.

Paragraph 3.1 states: "You must treat others with respect"

Paragraph 5 states: "You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute."

The Investigation Officer found that Councillor Sharratt failed to comply with paragraphs 3.1 and 5 of the Code of Conduct in respect of the use of the word "defecator" in the article "Not a Real Tory."

The Investigation Officer also found that Councillor Sharratt was not in breach of paragraphs 3.1 and 5 of the Code of Conduct in respect of the contents of the article “The Toad is Dead – Long Live the Toad.”

4. EVIDENCE AND REPRESENTATION

Ms Kay Gray presented her investigation report. She called Councillor Marsh to give evidence.

Councillor Sharratt represented himself.

The Committee considered evidence relating to the articles in question and the circumstances in which they were made. It had before it the investigation report that had been prepared by Ms Kay Gray together with written representations that had been submitted by Councillor Sharratt.

5. FINDINGS OF FACT, BREACH AND SANCTION

Standards Committee decided, on the evidence before it, and on the balance of probabilities, that Councillor T.E. Sharratt is in breach of Paragraph 3.1 of the Code of Conduct for Elected Members in respect of the use of the word “defecator” in the article “Not a Real Tory.” This article appeared in the Autumn 2008 edition of “The Idle Toad” magazine (Edition No.343).

Standards Committee considered that Councillor Sharratt was acting in his official capacity (as defined by paragraph 2.1 of the Code of Conduct) as a Councillor when he published the article in question.

Standards Committee considered that the use of the word “defecator” was unacceptable as it was criticism of a personal nature and appeared to be made in an attempt to discredit Councillor Marsh’s character. Standards Committee considered that Councillor Sharratt had either intended to use the word ‘defecator’ in the said article and/or that he was reckless about the inclusion of the word. In reaching this conclusion Standards Committee took into account that Councillor Sharratt had admitting writing the article, and that he had also admitted editing and publishing the said article. Standards Committee also took into account that Councillor Sharratt admitted that the article was indeed about Councillor Marsh. Standards Committee took into account the context in which these comments appeared. Standards Committee further took into account that at no stage – since the publication of the article – has Councillor Sharratt published a public apology or made a private apology.

Standards Committee further decided, on the evidence before it, and on the balance of probabilities, that Councillor Sharratt was also in breach of paragraph 5 of the Code of Conduct for Elected Members in respect of the use of the word “defecator” in the “Not a Real Tory” article that appeared in “The Idle Toad” magazine. The publication of such an article personally calling another Councillor a “defecator” is not behaviour that Standards

Committee would expect of someone holding public office. In reaching this conclusion Standards Committee took into account those factors already listed in the preceding paragraph.

Standards Committee also decided that Councillor T.E. Sharratt is not in breach of paragraphs 3.1 and 5 of the Code of Conduct for Elected Members in respect of the contents of the article “The Toad is dead – Long live the Toad” that appeared in the Spring 2008 edition (No. 341) of “The Idle Toad Magazine.” Standards Committee considered that the comments that appeared in that article merely constituted political banter. They did not consider that such comments were unacceptable with regard to the provisions of the Code of Conduct.

When reaching its conclusion on all aspects of this case Standards Committee gave careful consideration to all representations – whether written or oral – made by Councillor Sharratt, the written report and representations of Ms Kay Gray the Investigation Officer and the evidence of Councillor J Marsh.

The Committee considered the representations that were made by Ms Kay Gray and Councillor Sharratt as to sanction. In the circumstances the Committee decided that a sanction should be imposed. The Committee decided that it would be just and proportionate to censure Councillor Sharratt for failing to comply with paragraphs 3(1) and 5 of the Code of Conduct. The Committee also considered that it was just and proportionate to require Councillor Sharratt to apologise to Councillor J Marsh. Such apology to be in the form of a letter to be approved by the Chairman of Standards Committee and communicated to Councillor Marsh within 21 days of this Hearing.

6. RIGHT TO APPEAL

There is a right to seek permission to appeal against the Standards Committee’s determination. Permission to appeal should be sought from the Adjudication Panel for England. This must be done in writing within 21 days of receipt of this decision notice.

Signed.....

Date

John Dakin
Monitoring Officer