

Report of	Meeting	Date
Monitoring Officer	Standards Committee	18 September 08

## CASES HANDLED AT A NATIONAL LEVEL

### PURPOSE OF REPORT

1. To advise Members of recent cases which have been considered nationally rather than locally and to invite Members views as to whether this should become a standing agenda item.

### RECOMMENDATION(S)

2. That the report be noted.

### CORPORATE PRIORITIES

3. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the Central Lancashire sub-region	Develop local solutions to climate change.	
Improving equality of opportunity and life chances	Develop the Character and feel of Chorley as a good place to live	
Involving people in their communities	Ensure Chorley Borough Council is a performing organization	✓

### BACKGROUND

4. The Standards Board has for some time made available on its website details of the outcomes of the cases which have been referred to it. This has been a valuable resource in terms of providing a greater understanding of the Standards Board interpretation of the Code of Conduct and the Board's view of which cases which merit investigation and/or sanction. Given the move to local filtering far fewer cases will be considered nationally (none have been reported to date since the change came about) and it would be a relatively simple task to bring a summary of those cases which are reported in future, to each Standards Committee.

The other resource which is available is reports of cases which have been determined by the Adjudication Panel either because an Ethical Standards Officer has referred a case to the Adjudication Panel for decision or because a Councillor has appealed against a decision of the Standards Committee.



Since the last meeting of the Standards Committee, four cases have been dealt with by the Adjudication Panel. Full copies of the two appeal decisions are attached to this report. The reports of the other two cases are which were cases determined by the Adjudication Panel following a reference from an Ethical Standards Officer are considerably longer and summaries prepared by the Standards Board are enclosed instead.

Members are invited to comment as to whether they would find it useful to receive this kind of information on an ongoing basis and also as to the form in which they would most like to receive it.

ANDREW DOCHERTY  
CORPORATE DIRECTOR (GOVERNANCE)

There are no background papers to this report.

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
Andrew Docherty	5102	4 September 2008	AD/JA/REPORTS/0409SCA

## **Appeals Tribunal Decision**

<b>Case Ref:</b>	<b>APE 0404</b>
<b>Date of Appeals Tribunal:</b>	<b>22 August 2008</b>
<b>Relevant Standards Committee:</b>	<b>Wealden District Council</b>
<b>Date of Standards Committee Decision:</b>	<b>22 May 2008</b>
<b>Name of member concerned:</b> <i>(Appellant &amp; his authority)</i>	<b>Councillor Waller of Crowborough Town Council</b>
<b>Ethical Standards Officer (ESO):</b>	<b>Mr Steve Kingston</b>
<b>Monitoring Officer:</b>	<b>Mr Trevor Scott</b>
<b>Investigating Officer:</b>	<b>Mr Vic Scarpa</b>
<b><u>Appeals Tribunal Members</u></b>	
<b>Chairman:</b>	<b>Mr Chris Hughes</b>
<b>Member:</b>	<b>Mr David Ritchie</b>
<b>Member:</b>	<b>Mr Richard Enderby</b>

1. The Appeals Tribunal has considered an appeal from the Appellant about the above decision.
2. The Appeals Tribunal has considered the written submissions from the Appellant and the Standards Committee of Wealden District Council and oral submissions by the Appellant and by Mr Smith, solicitor on behalf of the Standards Committee and has heard evidence from the Appellant, Mr Paul Scott and Mr Ian McKirgan.
3. The Appellant had appealed against the Standards Committee's finding that he failed to follow paragraphs 2 and 4 of the Code of Conduct by bullying and intimidating the Clerk to Crowborough Town Council on separate occasions during his term of office as Mayor and subsequently.
4. Paragraph 2 of the Code Provides:  

*"A member must...*  
*(b) treat others with respect.*  
*(c) not do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the authority."*
5. Paragraph 4:  

*"A member must not in his official capacity, or any other circumstance, conduct himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute."*

6. The Standards Committee found the Appellant in breach of paragraph 2 of the Code of Conduct in relation to his behaviour at council meeting of 16 May 2006 when he made reference to the Clerk to the Council which it considered disrespectful to the Clerk. It found the Appellant in breach of paragraphs 2 and 4 of the Code of Conduct in that he defied a resolution of the Council requesting him to apologise to the Clerk and that this was disrespectful of the Clerk and furthermore by refusing to comply with a Council resolution he brought the council into disrepute.
7. The facts relating to these two events were little disputed.
8. The Tribunal found that at the meeting of 16 May 2006 the Appellant asked the new mayor Councillor Hall if he still felt that "The problems with the Council are up there". At the same time he gestured. The Tribunal heard in evidence that Councillor Hall, who like the Appellant was a Conservative, had been present at a private meeting with other councillors including the Appellant in March 2006. At this meeting Councillor Hall had expressed what was interpreted by some of those present as a determination to remove the Town Clerk from office within six months. The Appellant and his colleagues were dismayed that Councillor Hall had later aligned himself with a different group on the Council which had helped him to the mayoralty. The Tribunal was satisfied that in doing so he was making a point to destabilise Councillor Hall and in the process he was making a reference to the Town Clerk. The Tribunal was satisfied that some of those present recognised this as a reference to the Town Clerk.
9. The Town Clerk raised a grievance against the Appellant in connection with his conduct during the Town Clerk's appraisal meeting. The grievance investigation was conducted by Councillor Lyon and another councillor. The Investigating Officer in his report with respect to the conduct of another councillor which was considered on the same date as the case against the Appellant stated that there was no evidence to suggest a friendship between Councillor Lyon and the Town Clerk. The Standards Committee made a finding that there was evidence to suggest a friendship between the two. The Appeals Tribunal concurred with that finding. Oral and written evidence before the Appeals Tribunal lent weight to the conclusion. The outcome of the grievance hearing was reported to the Council at a meeting of 1 August 2006 from which the Appellant absented himself on the grounds of having a prejudicial interest in the matter under discussion. The Council at that meeting passed a resolution calling upon the Appellant to apologise to the Clerk. Despite clear efforts on the part of the Appellant and other councillors there was no notification to the Appellant of the basis upon which the grievance was upheld or any specific criticism of the Appellant's conduct. The Appellant did not apologise despite requests to do so. The Appellant was suspended from membership of all committees.
10. The Appeals Tribunal has determined that the Appellant did not fail to follow the provisions of the Code because:
  - 10.1. The Appellant's conduct at the meeting of 16 May was a question or challenge to a fellow councillor and a reference to the views of that councillor. His comment was not expressed in intemperate or abusive terms about either the councillor or the Town Clerk. The Tribunal did not accept the Appellant's argument that he intended his remarks as a warning to the Town Clerk of problems she might expect from Councillor Hall in the future since there would have been other and better ways of achieving that end. However, as a remark made in the heat of the moment at a time of high political tension, it did not cross the boundaries set by the Code of Conduct. While it may have been uncomfortable for the Town Clerk to know that her position had been discussed in this way, it was not the Appellant who had used the words which may have given concern and as Town Clerk she must expect that robust debate will sometimes bring her actions and position into play. In the

circumstances it was not conduct of a nature which could fairly be seen as showing disrespect to the Town Clerk.

- 10.2. The Tribunal found that the failure of the Appellant to apologise to the Town Clerk in accordance with the resolution of the Town Council was not in itself a breach of the Code of Conduct for three reasons. First, the Standards Committee had itself upheld a finding of the Investigating Officer that the conduct of the Appellant at the appraisal was not in breach of the Code of Conduct. While the Investigating Officer criticised aspects of the Appellant's behaviour at the appraisal, since the substantial issue, conduct at the appraisal, was not a breach, finding a breach in the failure to apologise risks extending the Code of Conduct beyond its proper bounds. Secondly, in the Tribunal's view it is not appropriate to require a councillor to apologise in circumstances where he had not been notified of the reasons for requiring the apology or the specific conduct for which he should apologise. Thirdly, the argument put forward by the Standards Committee that it was the will of a democratically elected body that the Appellant should apologise and that the failure to respect that expression of will in itself brought the Appellant's office or authority into disrepute is unsustainable. It is entirely possible for a democratically elected body to fall into error and act unreasonably. In the circumstances of this case the failure to apologise cannot, in the view of the Appeals Tribunal amount to treating the Town Clerk disrespectfully or bring the Council into disrepute.
11. The Appellant, in his grounds of appeal and in oral argument criticised the Standards Committee's procedure and alleges predetermination by the Standards Committee. In view of the fact that the Appeals Tribunal is able to determine the facts and whether there has been a breach of the Code of Conduct by way of rehearing these criticisms of the original hearing must fall away; however the Appeals Tribunal did not find these criticisms as possessing substance.
12. The Appeals Tribunal has dismissed the finding of the Standards Committee.
13. A copy of this determination is being given to the Appellant, the Ethical Standards Officer, the Standards Committee and any person who made the allegation that gave rise to the investigation.
14. The decision of the Standards Committee ceases immediately to have effect.
15. This determination will be published in a newspaper circulating in the area of the relevant local authority and also published on the Adjudication Panel's website at [www.adjudicationpanel.co.uk](http://www.adjudicationpanel.co.uk).

**Chris Hughes**  
**Chairman of the Appeals Tribunal**

3 September 2008

### **Appeals Tribunal Decision**

<b>Case Ref No:</b>	<b>APE 0403</b>
<b>Appeals Tribunal Date:</b>	<b>18 July 2008</b>
<b>Relevant Standards Committee:</b>	<b>South Kesteven District Council</b>
<b>Date of Standards Committee Decision:</b>	<b>9 May 2008</b>
<b>Name of member concerned:</b> <i>(Appellant &amp; his authority)</i>	<b>Councillor Smithers of Carlby Parish Council</b>
<b>Ethical Standards Officer (ESO):</b>	<b>Mr Steve Kingston</b>
<b>Monitoring Officer:</b>	<b>Mrs Lucy Youles</b>
<b>Investigating Officer:</b>	<b>Mr Paul Morrison</b>
<b><u>Appeals Tribunal Members:</u></b>	
<b>Chairwoman:</b>	<b>Ms Melanie Carter</b>
<b>Member:</b>	<b>Mr Ian Prosser</b>
<b>Member:</b>	<b>Mr Stan Szaroleta</b>

1. The Appellant has appealed the decision of South Kesteven Standards Committee ("SKDC") that he failed to follow paragraph 10 of the Carlby Parish Council Code of Conduct by failing to declare a prejudicial interest at the meeting of Carlby Parish Council ("the Council") on 17 May 2007.
2. The Appeals Tribunal has considered written submissions from the Appellant and the Standards Committee and decided the appeal on the papers.
3. The Appeals Tribunal has upheld the finding of the Standards Committee for the reasons given below.

#### **The Code**

4. The Code provides:

*"7.(1) A member must regard himself as having a personal interest in any matter if.....a decision upon it might reasonably be regarded as affecting to a greater extent than other council tax payers, ratepayers, or inhabitants of the authority's area, the well-being or financial position of himself, a relative or a friend..."*

.....  
*"9. (1) A member with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public*

*with knowledge of the relevant facts would reasonably regard as it as so significant that it is likely to prejudice the member's judgment of the public interest."*

*"10. A member with a prejudicial interest in any matter must a) withdraw from the room or chamber where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting, unless he has obtained a dispensation from the standards committee of the responsible authority; and b) not seek improperly to influence a decision about that matter."*

## **The Appeal**

5. The Appellant's grounds of appeal were that:
  - a) The Standards Committee exceeded its jurisdiction by dealing with a matter not complained about and making a decision on that matter.
  - b) The Standards Committee relied on evidence from SKDC's legal officer which was perceived as being misconceived and not completely independent.
  - c) The finding that a prejudicial interest should have been declared was a perverse decision.

## **The Facts**

6. The Appellant's house stands in a long narrow site in the centre of a village. Its westerly boundary is adjacent to a churchyard. The churchyard and his property both have a boundary with a development site. The Parochial Church Council made representations to SKDC in the 1980's, explaining that trees in its churchyard were considered to be a village amenity. SKDC agreed, and issued a tree preservation order in 1987.
7. In 2004 the owner of the development site came to see the Appellant at his house and suggested that he might like to purchase his property. The Appellant said that he was not interested. Later that year a planning application, for the erection of a dwelling on the development site, was submitted to SKDC. Some people in the village were concerned about the possibility of damage to the nearby churchyard trees; as a result the Appellant wrote to SKDC. His representations did not relate to the effect of the development on his property. Planning permission was subsequently granted.
8. In 2005 a second planning application in relation to this development site was made. There was considerable surprise and disquiet in the village about the granting of the previous application. The Appellant wrote a letter of complaint to SKDC and objected to the second application. However planning permission for the second application was granted. In respect of the development site the Appellant has never made any objection on the grounds that the proposals would affect his property. The Appellant subsequently complained to the Ombudsman. The Ombudsman found in favour of his complaint and SKDC agreed that *'there had been a failing in how the planning permission was granted and it will monitor the condition of the trees for a period not exceeding five years from the date of completion of the development.'*
9. The Appellant attended a Parish Council meeting on 17 May 2007 at which an item entitled *'Report on planning application adj 3, Church St.'* was to be discussed. This was the Appellant's first meeting as a Parish Councillor since his appointment in 2007. In fact the item related to a condition attached to the planning permission granted in 2005 such that *"Before the development is commenced there shall be submitted to and approved by the District Planning Authority details (including cross-sections) of the relative heights of existing and proposed ground levels of the site and existing*

*adjoining development and roads.*" The Council resolved to seek this information from the District Council.

10. At the commencement of discussion of this item, the Appellant declared an interest. It was not apparent from the minutes whether this was a personal or a prejudicial interest. It was the Council's practice not to write down the type of interest. The Appellant attested however that he had intended to declare a personal interest only. He took advice there and then from the clerk, who on account of his Ombudsman complaint, advised that he should declare an interest. The Appellant did not withdraw and took part in the discussion.
11. It is unclear from the documentary evidence whether or not the clerk advised that he had a prejudicial interest as opposed to just a personal interest. In addition, the Appeals Tribunal noted that the only clear dispute as to fact was whether the Appellant had been told he needed to leave the meeting room. The Appeals Tribunal considered whether this aspect needed to be determined, in which case, it would have been necessary to refer the appeal for an oral hearing. The Appeals Tribunal decided that it could determine the appeal without making a finding on this point. It was of the view that whether or not the Appellant had been so advised or informed, it was his personal responsibility to determine whether he had a prejudicial interest and whether therefore he needed to withdraw. Advice from the clerk or anyone else would go to the gravity of any breach or, looked at differently, mitigation for any breach.

#### **The Standards Committee decision**

12. The Standards Committee of SKDC heard the allegation that the Appellant had breached the Code on 18 April 2008. Its minutes, which stand as the record of decision, stated as follows:

*"The Committee acknowledged that Councillor Smithers had carefully analysed the implications of his decision and honestly concluded that he did not have such an interest at that time and acted in good faith.*

.....

*We believe at that meeting you did act in good faith in declaring a personal interest. You honestly believed that you did not have a prejudicial interest and were only concerned with the trees preservation in the churchyard. We are clear this is the only issue in which we have an interest..... However prejudicial interests centre around the perception of others and therefore we do believe that on this occasion it would have been wise for you to have declared a prejudicial interest. The new Code does make this situation far easier to deal with and we would wish to emphasise that we consider this a technical breach of the Code at that time."*

#### **Appeals Tribunal decision**

13. The Appeals Tribunal reviewed the evidence before it and determined that the Appellant failed to follow paragraph 10 of the Code in force in May 2007.
14. The Appeals Tribunal considered for itself whether, in its view, the Appellant had had a personal and prejudicial interest in the matter under discussion. The Appeals Tribunal accepted that the Appellant had not been speaking at the meeting on the 17 May 2007 on his own behalf but rather for the local residents and as a result of parish wide concern. He had not moreover been motivated by financial gain. The Appeals Tribunal wished however to emphasise the point made by the Standards Committee that it was an objective test that applied. This required members to try and step into



the shoes of the reasonable member of the public appraised of the relevant facts and to ask what he or she would think. This aspect of the Code went to the heart of the ethical framework.

15. Members must not only act fairly to the best of their intentions but also be seen so to act. This ensures that the highest standards of conduct are maintained and that the public have confidence in those standards. In certain circumstances, as here, this will require a member to accept that whatever his or her intentions, a reasonable member of the public may think that they had a personal or prejudicial interest. To maintain public confidence members must be alive to the appearance of conflicts of interest and act accordingly.
16. The Appellant has attested that he applied a test whereby he asked himself whether he could be financially advantaged. This was an inappropriately narrow application of the Code and completely overlooked the well-being limb of paragraph 7.
17. Applying an objective test, the Appeals Tribunal had no hesitation in concluding that the Appellant had a personal interest on the basis of his sharing a boundary with the development site taken with the fact that he had personally made the Ombudsman complaint and objections to the planning applications on development of the site. These factors had to be looked at cumulatively and in the Appeals Tribunal view, led to a conclusion that a reasonable person would consider it likely that the Appellant's well-being was affected more than other residents in the authority's area. While other members of the parish shared his concerns over the development, they did not live right next door and had not taken so great a role in objecting to the development.
18. Similarly, the Appeals Tribunal had no doubt that, under the old Code, this personal interest would also be a prejudicial interest. The Appeals Tribunal concluded that a reasonable person appraised of the relevant facts would be likely to think that the Appellant's personal interest was so significant that it was likely that his judgement of the public interest would be prejudiced. Albeit the three factors (shared boundary, Ombudsman complaint, objections) had to be taken together, it was the location of his property which was of most importance here. A reasonable person would be likely to consider that whether and the way in which the development of this particular site progressed, would be a matter of significant concern to its immediate neighbours.
19. The Appeals Tribunal took into account the Appellant's submission that the Council had not been a decision making body in relation to the item under discussion. It noted however that the Council had taken active steps to oppose the development such that the call for information under Condition 4, was the Council using its corporate influence to ensure that the District Council monitored the development. As such, it was not, as suggested by the Appellant a matter which was no more significant than if a member of public had requested the same information from the District Council.
20. Given that the Appellant had not declared a prejudicial interest and had not withdrawn himself from the meeting, the Appeals Tribunal found that he had breached paragraph 10 of the Code.
21. Turning to the particular grounds of appeal, it followed from the findings above that the Appeals Tribunal did not agree that the Standards Committee had been perverse.
22. The Appeals Tribunal did not moreover accept that the Standards Committee had exceeded its jurisdiction. Whilst the Investigating Officers report had not reflected the complainant's letter in exact terms, the facts and matters which gave rise to the need to declare a prejudicial interest and to withdraw from the meeting were clearly before the Standards Committee. It was not therefore a matter beyond their jurisdiction. The Standards Committee and the Appellant had had sight of both the complainant's letter

and the Standards Board referral letter. The Appeals Tribunal was clear that the Appellant would have had notice of this aspect of the Standards Committee's deliberations and decision and would not therefore have suffered any prejudice.

23. The Appellant's ground of appeal regarding the role of the legal adviser was interpreted by the Appeals Tribunal as relating to that of the Investigating Officer. The Appeals Tribunal noted that there was nothing in the documentary evidence to indicate that the Investigating Officer had given evidence. The Appellant had misunderstood his role insofar as the Investigating Officer collected together the evidence and then presented this to the Standards Committee. It was not his evidence. Insofar as the Investigating Officer had given his views on whether the evidence substantiated a breach of the Code, this was also part of his role and stood as advice to the Standards Committee which, they would take into account, but were not be obliged to follow.
24. That said, the Investigating Officer ought not perhaps to have advised the Standards Committee that by any test if a member's property directly adjoined a development then he or she would inevitably have a personal and a prejudicial interest. One could imagine circumstances, albeit exceptional, in which this would not be the case. Given however the Appeals Tribunal own conclusion that these circumstances did give rise to a personal and prejudicial interest, it did not consider that the terms of the report in this regard amounted to a good ground of appeal.
25. In light of the above, the Appeals Tribunal has upheld the Standards Committee's finding of breach of the Code. Albeit not part of the appeal, the Appeals Tribunal commented that it agreed with the finding that no action be taken as a result of the breach. The Appeals Tribunal took into account that this was the Appellant's first meeting since his recent appointment and that it was not clear whether the clerk had advised that he had a prejudicial as well as a personal interest. The Appeals Tribunal noted moreover that had the case been heard under the new Code, it may not have resulted in a breach.
26. The Appeals Tribunal were sympathetic to the Appellant's wish to appeal this matter as, in its view, the Standards Committee's decision had not been sufficiently reasoned. Nor had there been detailed findings of fact. It was likely therefore that, as a result, he had not understood the basis upon which the decision had been reached. It noted that the Standards Committee had chosen not to follow the very useful model template for decisions provided by the Standards Board and recommended that they do so in any future case. That said, there was no evidence that the Standards Committee had not followed a fair process and indeed noted that it had adjourned once to ensure the attendance of the Appellant.
27. The Appeals Tribunal agreed with the Standards Committee that it would be appropriate for the Council to ensure that when interests are declared at meetings, it is made expressly clear whether they are personal or prejudicial.
28. A copy of this determination is being sent to the Appellant, the Ethical Standards Officer, the Standards Committee and any person who made the allegation that gave rise to the investigation.
29. This determination will be published in a newspaper circulating in the area of the local authority and will also be published on the Adjudication Panel's website at [www.adjudicationpanel.co.uk](http://www.adjudicationpanel.co.uk).

**Melanie Carter**  
**Chairwoman of the Appeals Tribunal**

25 July 2008

## **Councillor disqualified for one year**

A former member of Wycombe District Council has been disqualified from office for a year for his conduct in relation to two planning applications.

Following an investigation by the Standards Board for England, Councillor Anthony Dunn's case was referred to the Adjudication Panel for England for determination.

The Adjudication Panel - a judicial tribunal that is independent of the Standards Board - agreed with the ethical standards officer's view that Councillor Dunn had breached the Code of Conduct, and disqualified Councillor Dunn as a result at a hearing on Thursday 12 June.

The Standards Board for England received a complaint about Councillor Dunn in August 2007, alleging that he had used his position improperly to influence the outcome of planning applications.

The ethical standards officer concluded that Councillor Dunn had sought to influence the council's decisions on planning applications made by a company of which he is secretary. Mr Dunn's brother was also acting as a consultant on the applications.

Having investigated the allegations, the Standards Board for England's ethical standards officer produced a report for the Adjudication Panel to consider when reaching its finding. The ethical standards officer's view was that Councillor Dunn had used his position improperly, sought to compromise council officers' impartiality, sought to influence decisions in which he had a prejudicial interest and brought his office into disrepute.

The ethical standards officer also noted with concern that Councillor Dunn's breaches of the Code came after he was suspended for a month in December 2006 for similar conduct.

Sir Anthony Holland, Chair of the Standards Board for England, said: "By attempting to influence planning applications to the advantage of his associates, Councillor Dunn failed to act with the honesty and integrity that the general public have every right to expect from their local representatives. This was a serious breach of the trust the electorate had placed in him."

## **'Aggressive' behaviour leads to 12-month disqualification**

A husband and wife who were members of a Cornwall parish council have been disqualified from office for a year after their 'aggressive' behaviour saw the parish clerk and their three fellow councillors resign.

The ban, imposed at a hearing of the independent Adjudication Panel for England on 24 July, follows an investigation by the Standards Board for England into allegations that Peter and Sheila Montague failed to treat others with respect and brought their office into disrepute.

It was alleged that Peter and Sheila Montague behaved in an aggressive, intimidating and disrespectful way to fellow parish councillors and a member of the public in council meetings between May and June 2007. It was also alleged they made verbal and written attacks on the character and integrity of the ex-clerk to the council.

The Adjudication Panel for England concluded that the language in emails written by Mr Montague and approved by Mrs Montague was rude and unjustified. The Adjudication Panel found that Mr Montague was aggressive when speaking to another councillor, had suggested that the clerk had acted without authority for his own purposes and that his conduct was unacceptable for a council meeting.

The Adjudication Panel also found that Mrs Montague's shouting when other councillors disagreed with her was also unacceptable, as was the Montagues' behaviour at a meeting on 29 June 2007. They shouted at, talked over and interrupted other councillors, were aggressive, overbearing and rude, and without justification, questioned the clerk's integrity. The Adjudication Panel was satisfied that Mr and Mrs Montague's conduct brought their office into disrepute because their behaviour seriously affected the wellbeing of several individuals and damaged the normal running of the council by prompting the clerk and the other three members to resign.

Dr Robert Chilton, chair of the Standards Board for England said:

"To maintain public confidence in local government, it is essential that councillors' conduct meets the high ethical standards which the electorate has every right to expect from them. Mr and Mrs Montague's behaviour fell far short of those standards.

"Their conduct led to the resignation of the council's clerk and three other councillors, depriving the parish council of representation for nearly a year. The disqualification for a year recognises the seriousness of the behaviour and its consequences."